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# LAWS OF WISCONSIN

RELATING TO

## COMMON SCHOOLS

Free High Schools

Normal Schools

County Training Schools

County Agricultural Schools

State Graded Schools

The State University

AND

COUNTY AND CITY SUPERINTENDENTS,  
TEACHERS' INSTITUTES, ETC.

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## TO SCHOOL OFFICERS.

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This volume is public property, and belongs to the common school district, the high school district, the township district, or the city or county superintendent district to which it is sent. The copy sent to the district clerk is to be kept in his office, for his own use and that of the other members of the board, but it may be loaned to any voter of the district, for a time not to exceed five days. The book should not, however, be loaned to any one, if an annual, special, or adjourned meeting is to take place within ten days; it should be kept in the possession of the clerk, and produced by him at such meeting, for consultation by the voters.

The volume which comes to each town clerk is to be kept by him in his office, for his official use, and for the use of the town board of supervisors.

These volumes are the property of the school districts, or of the towns, and *not* the property of the officers in whose possession they may be placed. They hold them only in their official capacity. The copies should be carefully preserved, and with the other school district or town records and property, handed over to successors in office, and a receipt taken for them.





## NOTE TO THE READER.

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This edition of the school code is rendered necessary not only in consequence of the changes made in the school laws by the legislatures of 1907 and 1909, but also by the fact that all former editions have been completely exhausted. In this edition the laws relating to common schools, free high schools, normal schools, and the university of Wisconsin, as well as those relating to county and city superintendents, and teachers' institutes, are to be found. No material changes of comments to be found in former editions have been made, except when made necessary by changes in the law, recent decisions of the court, or correspondence has shown that some comment or statute is not clearly understood.

An effort has been made to place, as far as possible, all the laws relating to any subject in their proper connection, and in some few instances, a section found in the newly enacted chapter and closely related to a law found in another part of the volume, may be found re-printed in the latter connection.

Much care has been taken to make the index full and complete in order that the law bearing upon any particular subject may readily be found in all its various relations.



# SCHOOL LAWS OF WISCONSIN

(Chapter 27, Wisconsin Statutes.)

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## I.—FORMATION, ALTERATION, MEETINGS, AND POWERS OF DISTRICTS.

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### FORMATION AND ALTERATION OF DISTRICTS.

**Authority of town board.** SECTION 412. The town board shall have power to alter or unite existing and to form new districts. The territory of a district shall be contiguous and embrace not more than thirty-six square miles. If a district contract debt it shall not be so altered by taking its territory as to leave such debt exceeding five per cent. of the last assessed valuation of the taxable property remaining.

The local authority for determining school district boundaries and creating new districts is vested in town boards of supervisors. They may act in the formation of school districts and alteration of district boundaries on their own motion and without waiting for any petition. There must be no failure on the part of the town officers to have the notices served as required by section 418, and a "return" to the effect that the notices have been properly served, etc., must be filed in the office of the town clerk of each town in any way interested.

The above section provides that a school district shall not exceed thirty-six square miles in area. No limit below thirty-six square miles is fixed for the area of any district. The supervisors may exercise their discretion in determining the number of districts necessary to meet the local conditions and needs of the various communities in the town. Under this section all school districts of any town not exceeding thirty-six miles in area may be consolidated or united by the board of supervisors upon its own motion into one school district when in the judgment of the supervisors such action is deemed to serve the best school interests of the town. When a town comprises but one school district a sufficient number of school houses, properly

located may be provided by the electors of that school district at any annual or special meeting, to meet the demands of the school population. Districts should be as compact in form as the natural features of the country will permit and should embrace sufficient wealth to enable them to maintain sufficient schools without burdensome taxation, and school population sufficient to elicit the best efforts of the teacher and give continued zest to the school.

Section 263, Revised Statutes, provides that no district which is indebted to the trust funds of the state can be altered by taking therefrom any land included therein at the time of obtaining such loan without obtaining the consent of the land commissioners of the state, and only upon such terms as they shall prescribe, until such loan is fully paid.

**How altered, formed, etc.; notice of first meeting.** SECTION 413 (as amended by Chapter 268, Laws of 1905). The town board shall make a written order describing the territory affected by the alteration, union or formation of districts and file the same, within twenty days, with the town clerk, and when districts are to be united or a new district formed, deliver to a taxable inhabitant of the new district their notice in writing describing its boundaries and appointing a time and place for the first district meeting, and therein direct such inhabitant to notify all of the qualified voters of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting at least five days before the time appointed therefor; and said inhabitant shall notify the voters of such district accordingly, and indorse thereon a return containing the names of all persons thus notified and said notice and return shall be recorded as a part of the record of the first meeting in such district. Provided that an unintentional omission to so notify not to exceed one-sixth of said voters shall not invalidate said notice.

Sections 474, 475, 476, 476a, statutes of 1898, and chapters 40 and 342, laws of 1901, authorize school districts to borrow money in certain cases. For mode of procedure, see comments under section 476 and following of this volume.

The order forming a new district should describe its territory by the government surveys; that is, the order should describe the parcels of land embraced in the new district. See Form No. 1.

This section provides for the formation of districts or the union of districts, and the order may take effect immediately. See section 419.

The notice for which this section provides should be read in the hearing of each voter. Where this is impracticable a copy of the notice must be left at the residence of the voter.

The notice for the first meeting of the new district must be served as early as the sixth day before the day named for such meeting, as the day on which the notice is served is not counted. See Forms Nos. 2 and 3.

Not only the names of all persons notified, but the manner in which the notice was given to them must be embraced in the "return" made. "All returning officers are ministerial, and are bound to set forth in

their returns all acts done by them, that the proper tribunal may judge of their sufficiency. They are not competent to judge of the legality of a notice or service; and a "return" that a precept has been *legally* served, or that the duty enjoined by the warrant has been duly performed, would most clearly be insufficient." 12 Pick., 206.

The "return" is the only competent evidence of the service of the warrant and is to be endorsed on the notice read to the voters and signed by the person giving the notices. This document should be produced at the first meeting, and filed with the records of the district. See Form No. 4.

**Another method of giving notice.** SECTION 414. If such notice be not given or if the inhabitants being so notified refuse to meet, or if there be no competent authority in the district to call a special meeting the town board shall give and cause to be served the notice as prescribed in section 413.

See Form 2.

The qualifications of electors are defined in sections 428 and 428a. The inhabitants having assembled in compliance with the call for which the section provides, the meeting should be organized by the election of a chairman and clerk *pro tempore*, and then proceed to the election of officers according to the provisions of sections 430 and 431. Section 416, and the comments following, describe the mode of procedure.

**Formation of joint districts.** SECTION 415. If a district is to be formed from adjoining towns the boards of such towns shall meet, act together and make their joint written order describing the territory embraced in such district, signed by at least two of the supervisors of each town, file the order with the town clerk of each town, deliver the notice of formation to a taxable inhabitant of such district and cause the same to be served and returned as prescribed in section 413; and such district may be altered only by the joint action of such town boards as provided in section 418 or section 419a. Districts become joint by the division of a town without other action.

See Form 6.

Ordinary districts may become joint districts by the division of a town, without any further action. 35 Wis., 178.

It will be seen by this section that a joint district can be formed, altered, or dissolved only by the joint action of the supervisors of all the towns or municipalities interested, and an order effecting any of these changes must be signed by a majority of each board.

When a school district lies partly in a city or an incorporated village and the adjoining town, such district is joint and the boundaries thereof can only be altered by the joint action of the city council or the village board of trustees and the town board of supervisors. See section 422 for definition of joint school district. See also section 419a.

Notice for the first meeting of a joint district must also be signed by a majority of the supervisors, village trustees or city council as the case may be of each of the municipalities in which any part of such district is situated.

**District, when organized.** SECTION 416. A district shall be deemed organized when any two of the officers elected at its first legal meeting file with the clerk and cause to be recorded in the minutes of such meeting their written acceptances of the offices to which they have been respectively elected or when it has exercised the franchises and privileges of a district for the term of two years.

See Form 7.

If two of the officers elected are present, and at once file their acceptances with the clerk of the meeting, and he records them, the district is then duly organized, and may proceed to the transaction of any other business, as provided in section 430. The treasurer is not likely to file an approved bond at that time, but that can be done afterwards. If two of the officers do not then file their acceptances, the meeting should adjourn and await their action. If the persons elected at the first meeting, or any of them, refuse to accept, the meeting may at once proceed to elect others. The same may be done at an adjourned meeting, if notice of refusal to serve is then received. The district meeting should endeavor to effect a complete organization, but if after reasonable trial it fails to secure more than two officers by election, the two who have accepted may fill the vacancy.

When a district has exercised the powers and enjoyed the privileges of a school district for two years, it is held to be legally organized, notwithstanding any informality of proceeding in its organization; and in the meantime, and until its organization is set aside by competent authority, it is the duty of its officers to comply with all the requirements of the school law. It is sufficient for them to know that it is a district *de facto*. After two years have elapsed, its organization cannot be set aside on account of any alleged defect in its original formation or organization.

**Body corporate; name.** SECTION 417. The word district as used in this chapter, unless otherwise defined, means school district, and a district lawfully organized is a body corporate and possesses the usual powers of a public corporation by the name and style of school district (joint) school district number —, of the town (towns) of —, name of the town (towns) in which the district is situated. Such number shall be designated by the town board or boards in the order for the formation thereof. The board shall make its contracts in its corporate name.

A school district, as a corporate body, has perpetual succession and existence by its corporate name, and may hold real and personal estate for its corporate purposes. It is a body created by law, and is wholly distinct from the individuals that may, from time to time compose it. It does not become dissolved, or lose any of its rights, or become discharged of its obligations by a change of its name, number or boundaries, or by becoming a joint district. (4 Wis., 79.)

Contracts made or suits brought by a district, and all writings in which it is a party, require that the name of the district should be mentioned: *e. g., school-district number four, town of Lincoln, Polk county*. When district officers are specifically empowered by law to act, their names may be mentioned.

**Lost records, restoration of.** SECTION 417a. If the record of the formation or establishment of boundaries of a district be lost or destroyed, the board of the town or village or the council of the city in which such district lies may make a new record by written order entered in the records of such town, village or city. Whenever the town or village board or city council shall contemplate making such new record, they shall give at least five days' notice in writing to the clerk of the affected district, stating when and where they will be present to make such new record, and such clerk shall immediately notify the other members of the board. Such order shall within three days be entered in the record of the proper town, village or city, and the clerk thereof shall within the same time file a copy of such order with the clerk of said district. Any number of districts may be included in one such order or notice. In case of the loss or destruction of the records pertaining to a joint district the clerk of any town, village or city in which the district lies shall procure and record a certified copy of the records of any other town, village or city relating to such joint district, or the board of the town or village, or council of the city in which such joint district lies may meet and act together in the making of such new record. An order made pursuant to this section or the record thereof shall be presumptive evidence of the regularity of all prior proceedings pertaining thereto, of the legality of the formation of such district, of the boundaries thereof and of the loss or destruction of the record of its formation. Parties conceiving themselves aggrieved by any decision made under the foregoing provisions may appeal therefrom in the manner provided by section 497.

**Notice of hearing.** SECTION 418. Whenever the town board shall contemplate an alteration of a district they shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice when and where they will be present to decide upon such proposed alteration; and such clerk or clerks shall immediately notify the other members of the board. No territory shall be detached from one district unless by the same order it be attached to another; and a district may be dissolved by attaching all its territory to other districts.

See Form No. 8.

Great care should be exercised in giving the preliminary notices, as town boards have no authority to alter the boundaries of school districts unless the required notices are given and "return" that the notices have been properly served filed in the office of the town clerk or clerks.

There is no presumption that notices have been given, and a recital in the order of the board to the effect that they have been given is not *prima facie* evidence of the fact. Moreover, the district officers cannot waive notice. 60 Wis., 395; 29 Wis., 419.

The board acquires no jurisdiction to make the change, unless the giving of the notices be authorized at a meeting of the supervisors duly held. 106 Wis., 475.

The "returns" of the persons serving the notices required by this section should bear the admission of service of the district clerks endorsed thereon, and these should be attached to the order changing the boundaries of districts, and should be filed with it in the office of the town clerk, so that evidence that the proper notices were given may be accessible at all times.

It will be noticed that the language of the statute is—"Whenever the town board shall *contemplate*," etc. This implies that town boards may act in the formation and alteration of the boundaries of school districts on their own motion, and without waiting for a petition. A petition is, however, helpful and will be welcomed by the supervisors.

**Alteration of school district boundaries; order, filing of; when in effect.** (Ch. 266, Laws of 1903, amending Sec. 419, Statutes of 1898.) SECTION 419. In all cases where an alteration of the boundaries of a school district shall be made, the town board of supervisors shall within three days thereafter, give notice thereof by filing a copy of the order so altering said school district, with the town clerk and also with the district clerk of each of the districts affected by such alteration. No alteration of any organized school district shall be made to take effect between the first day of December in any year, and the first day of April following.

Before the passage of this law it was in the power of a school district board to postpone the time when an order made by the town board of supervisors altering the boundary of a school district could take effect. The clause of section 419 giving a district board this power, is omitted and hereafter an order altering school district boundaries may be made to take effect in accordance with the judgment of the supervisors making the order.

Failure to file the order with the town clerk does not avoid the division; 11 Wis., 29. It should, however, be filed promptly, as the information is necessary for the guidance of the town clerk and of the district clerks.

No action in the direction of holding district meetings can be taken by the voters of a new district until the order forming the district takes effect. The notice for a first meeting should not antedate the time at which the order creating the district becomes effective.

**Number of school district to be recorded and not changed thereafter.** (Chapter 113, Laws 1903.) SECTION 1. After the first day of January 1904, it shall not be lawful for any town board of supervisors or any town board of school directors, or any other officer or officers to change the number of any school district or sub-district joint or entire.



**Not to be revived.** SECTION 2. If a district or a sub-district is dissolved, or by the exercise of proper authority attached to and made a part of another district or districts, no newly formed district shall, after January 1, 1904, be made to bear the number of the district so dissolved.

It is the purpose of this chapter to prevent confusion in keeping school district records in the office of the town clerk and to enable the state superintendent to keep a more satisfactory record of dictionaries furnished free to schools in accordance with the provisions of section 509.

In the case of consolidation of districts the town supervisors shall decide upon the number of the district as consolidated. The number of one of the districts interested should be retained in all cases of consolidation.

**Joint school districts.** (Chapter 218, Laws of 1903, amending Section 419a, Statutes of 1898, as amended by Chapter 343 of the Laws of 1901.) SECTION 419a. Whenever an application in writing, describing and clearly setting forth by use of usual and definite terms, and having for its purpose the alteration of the boundaries of any joint school district, signed by at least two members of the board of supervisors of any town in which any part of such joint school district is situated, shall be presented to the chairman of the town, the mayor of the city or president of the board of trustees of the village, in which any part of such joint school district is situated, such chairman, mayor of the city, or president of the village board, shall, upon receipt of such application or petition, fix a time for the joint meeting of the town board of supervisors, and the city council, or the village board of trustees of all the municipalities in any way affected by said proposed change, which time shall not be less than ten or more than twenty days after the presentation to said officer of such petition or application. The officer to whom the application or petition is presented shall cause a written notice of the time and place of such meeting to be given to each supervisor, member of the council, or member of the village board of trustees entitled to be present at such meeting, which notice shall be served at least five days prior to the date fixed therefor. Such meeting shall be held at the school house in such joint district, unless some other convenient place shall be designated in the notice. If the chairman of the town, mayor of the city, or president of the board of village trustees, as the case may be, to whom such application shall be presented, neglect or refuse to fix the time and the place or to give notice for the meeting as provided by this section, or if the supervisors, the city council, or the board of vil-

lage trustees, or a majority thereof, of any town, city or village in any way interested or affected by the proposed change of school district boundaries, neglect or refuse to be present at such meeting or being present, neglect or refuse to hear and vote upon the application before them, the application shall be deemed denied, and an appeal may be had therefrom in similar manner, and with like effect as in other cases of denial. The provisions of sections 418, 419, 422, and 497 shall, as far as may be applicable, apply to the above proceedings.

**Change of boundaries in joint school districts; application, how made.** SECTION 2. The board of supervisors of any town containing territory, now or hereafter embraced within the boundaries of any joint school district, may make the application provided for in section one, whenever in their judgment such alteration will promote the welfare of the pupils residing in such town; and such board shall make such application whenever one-third of the voters residing in such town or two-thirds of the voters residing in that portion of such joint district, situated in such town shall make and file with the town clerk a petition, praying that such alteration be made.

This law provides another method whereby the boundaries of joint districts may be altered. In any case where such alteration is contemplated it will be wise for the town boards of supervisors, as well as other parties interested, to look up *all* the laws relating to the alteration of district boundaries and formation of new districts, especially sections 413, 415, 418, 419, 419a, 420, 422, 424. The method most easily applied in the particular case should be adopted. It may not be out of place to state that if in any case the town boards of supervisors in any way interested agree to meet, they may do so on their own motion and without any petition. If their proceedings are regular their actions will stand, unless set aside upon an appeal. A petition is deemed necessary only in cases where it is probable that one or more of the boards will refuse or neglect to act. Section 419a was apparently enacted for the sole purpose of providing a possible remedy in certain cases by an appeal to the state superintendent. It should also be understood that where the boards act on their own motion, under section 419a, a preliminary meeting must be called for the purpose of issuing the *written* notices, required by section 418. (See Form 8.) At a second meeting of the supervisors the necessary order may be made or an application or petition may be formally denied.

**Division of property.** SECTION 420. If a new district be formed, in whole or in part, from one or more districts possessed of a school-house or entitled to other property the town board, at the time of forming such new district, shall determine the proportion of the value of the school-house and other property justly due to such new district according to the taxable property of the respective parts of such former district at the time

of the division, and such amount of any debt due from the former district which would have been a charge upon the new had it remained in the former district shall be deducted from such proportion.

**Collection and application of money.** SECTION 421. The town board shall certify to the district clerk of each district retaining a school-house or other property the amount ascertained by them as the proportion due to the new district, and such amount shall be embodied in the next statement of taxes to be made by the district clerk to the town clerk as required by section 472, and shall be collected and paid to the treasurer of the new district to be applied toward providing a school-house therefor; and the money so received shall be allowed to the credit of the taxable property taken from the district paying the same in reduction of any tax imposed on said taxable property in the new district for the building of the school-house; but in case the new district shall have raised a tax and provided a school-house before the receipt of such money, the treasurer thereof shall pay on demand to each taxpayer residing in the territory taken from the district paying the same, the amount actually paid by him in school-house taxes in excess of the amount he would have paid if the money had been received and credit given before such taxes were collected, and the treasurer shall be liable therefor on his official bond.

See Form No. 10.

When territory is merely transferred from one district to another, no claim will lie against the district yielding territory on account of property.

By "property" is meant lands, tenements, hereditaments, money, goods, chattels, things in action, and evidences of debt. The division of the share of the income of the school fund is discussed in and under section 558, as amended by chapter 450, laws of 1901, and section 554, as amended by chapter 313, laws of 1903.

**Alteration of district in town and village, etc.** SECTION 422, (as amended by Chapter 304, Laws of 1901). Whenever any school district in this state shall be comprised partly of the territory of any city or an incorporated village and partly of the territory of an adjoining town or towns, it shall be and for all intents and purposes shall be considered as a joint school district which may be dissolved or the boundaries of which may be changed only by the joint action of the city or common council of the city or the trustees of the village as the case may be and the board or boards of supervisors of the town or towns in which any part or parts of said joint school district

may be situated and only in the same manner in which any other joint district may be altered or dissolved, but no new joint district embracing a part of any city shall be hereafter formed.

The appraisal and award should be made at the time of the formation of the new district but will be legal if necessarily delayed.

If the duty is wholly neglected by the supervisors, or, the award being made by them, the clerk of the old district neglects his duty, the remedy in either case is by *mandamus*.

No vote of the old district is required to raise the amount to which the new district becomes entitled under the action contemplated by section 421. This tax cannot be collected as a special district tax; it must be returned to the town clerk by the district clerk, as certified to him by the town board.

The duty of making an equitable division of the property of the district retaining the schoolhouse, here imposed upon the town board, is mandatory, and no agreement or condition recited in the order for division of territory will relieve the board of this duty. An agreement to consent to the division of a district in consideration of the surrender of property rights by the new district is void. 63 Wis., 327; 81 Wis., 428; 87 Wis., 533.

In case the new district raises a tax for the purpose of building a schoolhouse before any money is received from any or all of the old districts out of whose territory the new district is formed, the treasurer of the new district, upon receiving the amount due from any of the old districts, shall pay the same to the tax-payers residing in the territory that formerly belonged to the district paying the money. The amount received shall be apportioned among the proper persons on the same basis that served for the collection of the tax.

**Neglect to keep school.** SECTION 423. If a district for two or more successive years neglect to maintain school as required by law, the town board of the town embracing the district shall attach the same to such other adjoining district or districts in the town as they shall judge proper; and if the district be joint, then the town boards shall attach the respective parts thereof to other districts in their respective towns; This section shall not apply to any district which may provide for the instruction of its pupils in an adjoining or other district, as provided in subdivision 15, section 430.

Section 418 allows the town board to dissolve a district by attaching its territory to other districts. This section requires them to do so whenever a district fails to maintain a school for two successive years, unless provision has been made for the free instruction and transportation of the pupils of the district as provided in chapter 502, laws of 1909, found as sections 430—1 to 430—8, inclusive, section 430, and of section 554a of the laws of 1903. Failure to elect district officers does not of itself dissolve a district, as the organization may be restored in the manner prescribed by section 414.

**Property of dissolved district.** SECTION 424. Whenever a district shall be dissolved by reason of the attachment of all

its territory to some other district, the town board, and in case of a joint district the town boards, shall take charge of the property belonging to the same at the time of its dissolution, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the remainder if any, to the treasurer, and in the case of more than one district, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property attached to each as appears from the last tax rolls of the respective towns.

The supervisors of all the towns interested in the dissolution of a district must unite in the sale of its property, and in the execution of deeds of its real estate. They should require cash payments, and all conditions of sale should be mentioned in the posted notices. Unexpended and unappropriated money in the hands of the district treasurer, is "property," and is to be divided by the town board or boards.

Particular attention should be given by town boards of supervisors, trustees of villages and city councils to the matter of recording the proceedings which affect the formation and alteration of school districts.

## MEETINGS

**Annual; report to.** SECTION 425. The annual district meeting shall be held on the first Monday of July unless that be a legal holiday, in which case it shall be held on the next day at seven o'clock in the afternoon, unless another hour be fixed by a vote recorded at the last annual meeting, and any annual meeting heretofore or hereafter held shall be valid notwithstanding any provision to the contrary in any special or local law. It shall be the duty of the district board to meet on the Saturday immediately preceding the annual meeting, carefully examine the accounts of the treasurer, and make up a full and itemized report of all receipts and expenditures since the last annual meeting, of the amount in the hands of the treasurer or the amount of the deficit for which the district is liable, of the amount necessary to be raised by taxes for the support of the school for the ensuing year, and of the amount required to pay the interest or principal of any debt due or to become due during such year; which report shall be submitted in writing at the annual meeting and recorded by the clerk at length with the action thereon in the proceedings of the meeting.

All annual school district meetings, except in towns under the township system, are held on the same day. When the first Monday in July

is the fourth, and when the fourth of July occurs on Sunday, the annual meeting must be held on the Tuesday following.

The hour for holding an annual district meeting is 7 o'clock in the afternoon, unless a different hour was fixed by vote at the previous annual meeting. District officers have no power to call an annual meeting at any other hour than that which the law designates. 34 Iowa, 306.

**Notice.** SECTION 426. The clerk shall give at least six days previous notice of the annual meeting by posting notices therefor in four or more public places in the district, one of which shall be affixed to the outer door of the school-house, if there be one in the district; and he shall give like notice for any adjourned meeting, if the adjournment be for more than one month; but no annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

See Forms Nos. 11 and 12.

While it is the duty of the district clerk to notice an annual school district meeting according to the provisions of this section, and while he may be punished by fine for neglect or refusal to comply with the statute, the notice is not essential to the validity of the meeting. The statute and not the notice is the foundation of the meeting. 6 Hill, N. Y., 647.

If change of school house site, adoption of free text-books, erection of a school building is to be considered, or if money is to be borrowed, it will be well to incorporate the fact in the annual notice.

**Special meetings.** SECTION 427. Special meetings shall be called by the clerk, or in his absence by the director or treasurer, on the written request of five legal voters of the district, and notices thereof specifying particularly the business to be transacted shall be posted in the manner prescribed for calling the annual meeting; and the electors when lawfully assembled at a special meeting shall have power to transact the same business as at the first or annual meeting, except the election of officers, voting a tax to compensate the clerk and authorizing a change in text-books.\* But no more than one such meeting to consider the same subject shall be held in the district in the same school year. No tax or loan or debt shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by written notice left at their places of residence, stating the time, place and objects of the meeting, and specifying the amount proposed to

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\* Changes in text books are now made by the district board. See section 440.

be voted, at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held.

See Forms Nos. 13 and 14.

It is the duty of the clerk to call special meetings whenever requested to do so by the required number of legal voters. The fact that the district clerk does not approve of the objects sought by those who request him to call a special meeting, is no cause for refusing to comply with the request.

"When public corporations or officers are authorized to perform an act for others, which benefits them, then the corporations or officers are bound to perform the act. The power is given them not for their own, but for the benefit of those in whose behalf they are called upon to act, and such is presumed to be the legislative intent. In such cases they have a claim *de jure* to the exercise of the power." 9 Wis., 285.

Any business that can be done at an annual meeting can be done at a special meeting, properly called, except the election of officers, voting a tax to compensate the clerk, director and treasurer. The notice for a special meeting may be given by the director or treasurer in case of a vacancy in the office of clerk, or if that officer is absent or incapable of acting.

A special meeting may rescind any action taken at the annual meeting, if proper notice has been given; but if *rights* have been acquired by *third parties*, those rights cannot be set aside by the vote of the district. This includes the rights of persons elected to a district office.

"Six full days" requires the notice to be given as early as on the seventh day before the time designated.

The personal notice required by this section to be given to three-fourths of the electors of the district in all cases where it is the purpose of the special meeting to vote a tax, loan or debt, should include women, on whom the right of suffrage in elections "pertaining to school matters," is conferred by section 428a.

Care should be taken in naming the amount to be raised at a special meeting to specify a sum equal to or greater than that needed. It is competent for a special meeting to raise a less, but not competent for it to raise a greater sum than that mentioned in the notice.

All laws relating to levying taxes are construed strictly, and the requirement that notices for a special meeting whose purpose is to raise money shall specify the amount to be raised is mandatory.

**Who may vote.** SECTION 428, (as amended by Chapter 233, Laws of 1899). Every resident elector of the district shall be entitled to vote in any meeting, provided such elector has resided therein for at least thirty days next preceding any meeting.

The qualifications of voters at a general election are declared by section 12 of the Wisconsin statutes, to be as follows:

SECTION 12. Every male person of the age of twenty-one years, or upward, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote ten days [except in the case of school district meetings, in which case 30 days' residence in the district is required] shall be deemed a qualified elector at such election:

1. Citizens of the United States.

2. Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

3. Persons of Indian blood who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons of Indian descent, not members of any tribe.

5. Any civilized person, being a descendant of the Chippewas of Lake Superior or any other Indian tribe residing within this state, and not upon any Indian reservation, who shall make and subscribe to an oath before the clerk of the circuit court or his deputy of the county where such person resides that he is not a member of any Indian tribe, and has no claim upon the United States for aid and assistance from any appropriation made by congress for the benefit of Indians, and that he thereby relinquishes all tribal relations, and all right to claim or receive such aid, shall be entitled, on such oath being filed and recorded, to vote at all elections held in this state, if he is otherwise qualified. The oath so taken, on being corroborated as to the residence and tribal relations of such person by the affidavit of a qualified elector, shall be filed in the office of the clerk before whom it was taken and recorded by him in a book to be provided for that purpose, upon such person paying to said clerk the sum of one dollar.

Every person convicted of bribery shall be excluded from the right of suffrage, unless restored to civil rights; and no person who shall have made or become directly or indirectly interested in any debt or wager, depending upon the result of any election, at which he shall offer to vote, shall be permitted to vote at such election.

**Women may vote.** SECTION 428a, (as amended by Chapter 233, Laws of 1899). Every woman who is a citizen of this state, of the age of twenty-one years or upwards, except paupers, persons under guardianship and persons otherwise excluded by section 2 of article 3 of the constitution of Wisconsin, who has resided in the state one year, and in the election district where she offers to vote, thirty days next preceding any election pertaining to any school matters, shall have a right to vote at such election.

By this law all voters at school district meetings, either annual or special, are required to reside at least thirty days in the district previous to the date of the school meeting. This is a radical change in the election law and should receive especial attention in order that difficult and annoying questions may not arise in the management of school district matters.

The above section does not confer upon women the unlimited right of suffrage, but it does confer upon them the right to vote upon any and all questions that can be legally considered at any regularly called annual or special school district meeting. The words "any election pertaining to school matters" renders the limitation to the privilege conferred by the section manifest. 71 Wis., 239, 251; 75 Wis., 543; and chapter 285, laws of 1901. "An election to determine whether a city shall issue bonds for the purpose of building a school house is an election pertaining to school matters within the meaning of chapter 211, laws of 1885." 128 Wis., p. 132.

SECTION 69. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspector shall admonish him of such rules and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:



First.—As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States, or this state; and no soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

Second.—That place shall be considered and held to be the residence of a person, in which his habitation is fixed without any present intention of removing therefrom and to which, whenever he is absent, he has the intention of returning.

Third.—A person shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town, or ward of this state, for temporary purposes merely, with an intention of returning.

Fourth.—A person shall not be considered to have gained a residence in any town, ward, or village of this state into which he shall have come for temporary purposes merely.

Fifth.—If a person remove to another state with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth.—If a person remove to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh.—The place where a married man's family resides shall generally be considered and held to be his residence, but if it is a place of temporary establishment for his family or for transient objects, it shall be otherwise.

Eighth.—If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be his place of residence.

Ninth.—The mere intention to acquire a new residence without the fact of removal, shall avail nothing; neither shall the fact of removal without intention.

Tenth.—If a person shall go into another state, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

Eleventh.—No person shall be deemed to have gained a residence in any town, ward or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward, or village as a pauper supported by the town, village or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward or village, by remaining in any other town, ward or village as such pauper.

Twelfth.—If an unmarried person sleeps in one ward and boards in another, the place where he sleeps shall be considered his residence.

Thirteenth.—If an unmarried person be employed on a railroad, boat or stage line and boards at different places, if one of those places be with his parents, that place shall be considered his residence unless he has, by registering to vote elsewhere or by performance of some other kindred act elected some other place as his residence. If he has no parents and has not registered at any other place, he shall be asked: Do you consider this your place of residence, and have you so considered it for the past ten days in preference to any other place? If he answers in the affirmative he shall be entitled to all the privileges and be subject to all of the duties of other citizens in such place in the matter of voting, jury service, poll taxes and assessments for taxes.

Fourteenth.—Each inmate of any national or state home for soldiers in this state shall be deemed to reside in the town, city or village in which said home shall be located and in the election district in which he shall sleep.

SECTION 428*a*, (as amended by Chapter 285, Laws of 1901). Every woman who is a citizen of this state, of the age of twenty-one years or upwards (except paupers, persons under guardianship, and persons otherwise excluded by section two of article three of the constitution of Wisconsin), who has resided within the state one year, and in the election district where she offers to vote, ten (thirty) days next preceding any election pertaining to school matters, shall have a right to vote at such election. Separate ballot boxes shall be furnished at every election precinct in this state at every primary, general, municipal or special election for the use of women desiring to vote on said school matters, and separate ballots shall also be provided at said elections for the use of said women.

This chapter evidently extends the privilege to vote for school officers at general and municipal elections, as well as at school district elections, and under the same conditions regarding age and residence that are imposed upon male citizens.

**Proceedings on challenge.** SECTION 429. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter and if such challenge shall not be withdrawn the chairman shall tender him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be) that you are an actual resident of this school district and that you are qualified according to law to vote at this meeting. And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting; and if the person shall refuse to take such oath or affirmation his vote shall be rejected.

The questions which may be asked by inspectors of elections of persons whose votes are challenged, and the rules for determining the legal qualifications of electors are given in sections 68 and 69, of the Wisconsin statutes, and are printed here for convenience. The chairman of a district meeting can not, like an inspector of elections, require the person challenged to answer the questions under oath.

SECTION 68. Each inspector shall, and any elector may, challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector. If such a person is challenged as unqualified one of the inspectors shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

First: If a person be challenged as unqualified on the ground that

he is not a citizen and has not declared his intention to become a citizen:

1. Are you a citizen of the United States? If no, then—
2. Have you declared your intention to become a citizen of the United States conformably to the laws of the United States?
3. When and where did you declare your intention to become a citizen of the United States?

Second. If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state immediately preceding this election?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then—
3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?
4. What state or territory did you regard as your home while absent?

5. Did you, while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the town, ward or village where he offers his vote:

1. When did you last come into this town, ward or village?
2. Have you come for a temporary purpose merely, or for the purpose of making it your home?
3. Did you come into this town, ward or village for the purpose of voting therein?
4. Are you now and have you been for the last ten (thirty days in the case of school district meetings) days an actual resident of this town, ward or village, and what is the particular description, name and location of your residence?

5. Have you registered to vote at this election at any other place within this state?

Fourth. If the person be challenged as unqualified on the ground that he is not twenty-one years of age: Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

1. Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at this election?
2. Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way whatever upon the result of this election?

Sixth. If the person be challenged as unqualified on the ground that he has been convicted of treason, felony or bribery and not subsequently restored to civil rights:

1. Have you been tried or convicted in this state of any crime? If yes—
2. Of what crime, when and in what court were you so convicted?
3. Have you in any manner since such conviction been restored to civil rights, and if yes, how?

Seventh. If the person be challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

1. Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

2. When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified on the ground that he is a person of Indian descent, a member of an Indian tribe or an uncivilized Indian:

1. Are you a person of Indian descent?

2. Of what tribe or nation are you a descendant?

3. Are you now a member of any Indian tribe?

4. Have you received any annuity from the United States or any agent thereof, or shared in any, and, if so, when did you last so receive or share in any?

The inspectors, or one of them, shall put such other questions to the person challenged as may be necessary to test his qualification as an elector at such election.

## POWERS OF DISTRICTS.

**Powers of meeting.** SECTION 430. The inhabitants of any school district qualified by law to vote at a school district meeting when assembled at the first and at each annual meeting in their district or at any adjournment thereof in their district shall have power:

1. To appoint a chairman for the time being, and in the absence of the clerk to appoint some person to act in his stead, and the person so appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district and file and preserve the certificate of such temporary clerk.

When the inhabitants of a district are assembled at any regularly called meeting, it is competent for any elector to call the meeting to order, to nominate, or to ask some one to nominate a chairman, and to put the question and declare the result. If the director of the district be present, it is proper for him to do this. If the district clerk be not present the chairman will announce the fact and ask that a clerk be appointed *pro tempore*. The meeting will be governed by the common rules of deliberative assemblies. The chairman should be an elector, and is entitled to vote on all questions.

2. To adjourn from time to time as occasion may require.

The statute—section 426—provides that when an annual meeting is adjourned for more than one month, notice shall be given of the time and place of holding such meeting in the same manner that notice of the original meeting was given. It is a good plan to adjourn annual meetings from time to time in most cases where a new building is to be erected or a site purchased.

3. To choose a director, treasurer and clerk. The election of all officers shall be by ballot and a majority of all the votes cast shall be necessary for a choice.

The electors must hold strictly to these requirements.

**School boards of seven members.** (Chapter 317, Laws of 1899, as amended by Chapter 205, Laws of 1901, and Chapter 421, Laws of 1905.)

SECTION 1. Any school district containing within its boundaries a city in which a high school is maintained and which expends annually in the maintenance of its schools a sum exceeding four thousand dollars, may, upon determining so to do by the vote of the electors present, at any annual school meeting held in such school district, have a district board comprising seven members which shall be known as the school board of the city, comprising in whole or in part such district, three of whom shall be the director, treasurer and clerk, as now provided by law, who shall each discharge the separate duties now imposed upon him by law and shall be elected and hold office for the term now provided by law, and no two of whom shall be residents of the same ward in such city until each ward therein shall have at least one member on such board. Where such school district and city are identical in territory, the members of said district board shall be chosen one from each ward of such city in the order in which the wards are numbered until the full number is chosen; provided, that in case such city have fewer than seven wards, additional member or members shall be chosen from the district-at-large; and, provided, further, that in school districts having school boards elected under and pursuant to section 1 of chapter 317 of the laws of Wisconsin for 1899 or under said act as amended by chapter 205 of the laws of Wisconsin for 1901, members of such boards, including those chosen to fill vacancies, shall be chosen from wards not represented as herein provided until such representation shall be fully established, provided electors of such school districts decide at any annual meeting to adopt the provisions of this act. Removal by a member of such board from the ward from which he was chosen shall create a vacancy. And all directors, clerks and treasurers now in office in such districts, shall continue in their respective offices during the full term for which they were elected. The remaining four members of such district board, shall be elected as school district officers are now required to be elected, at the annual school meeting which may adopt this act; two of said four shall be elected for the period of one year and the remaining two for the period of two years and until their successors have been elected or appointed. At every succeeding annual school meeting in such district there shall be elected in addition to a director, clerk or treasurer, as the case may be, two of such additional members of such board, who shall hold their office for two years and until their successors are elected or appointed. In case of vacancies in the said board, such vacancies shall be filled as now provided for filling vacancies in district boards, the members so chosen to hold until the next annual district meeting. Such school boards shall exercise all the powers, and discharge all the duties now imposed upon the district boards of such districts. Regular meetings of said board shall be held, and special meetings thereof may be called upon request of any three members of such board to the clerk, who shall thereupon, at least twenty-four hours before such special meeting is held, give written notice thereof to the remaining members of the board.

**School Boards—Number of members—How increased.** Chapter 198, 1907, adding to section 1, chapter 421, Laws of 1905, section 1m.) SECTION 1m. The number of members of any school board shall not be increased as provided in section 1,

unless a notice in writing of the proposition for such increase, signed by at least twenty-five electors of the school district shall be filed with the clerk of said district, at least ten days prior to the annual meeting; and the clerk shall include in the notice of such meeting the substance of such proposition.

This act restricts the powers of the electors assembled at an annual meeting, inasmuch as a notice properly signed must be filed with the district clerk and the district clerk must also give notice that the question of increasing the number of members will be voted upon at the annual meeting. Otherwise the attempted change will be void.

**Accounts of school boards to be examined.** SECTION 1. (Chapter 162, Laws of 1899, as amended by Chapter 78, Laws of 1905.) It shall be the duty of every school district in the state of Wisconsin at its annual meeting to appoint three competent persons who shall be voters in the district to examine all accounts, books, vouchers, moneys and property of whatsoever kind belonging to said district between the thirtieth day of June next following their appointment and the time of the next annual school meeting of said school district and report their findings in writing to the electors at the next annual meeting.

This law does not interfere with that part of section 425, W. S., which makes it the duty of the district board to meet on the Saturday immediately preceding the annual meeting for the purpose of making a careful examination of the accounts of the treasurer and compiling a full and itemized report of all receipts and expenditures since the last annual meeting, of the amount in the hands of the treasurer, or the amount of the deficit for which the district is liable of the amount necessary to be raised by taxes for the support of the school for the coming year and of the amount required to pay the interest or principal of any debt due or to become due during the year. These reports are to be submitted in writing at the annual meeting and the amount of money reported on hand at the beginning of the year must be exactly the same as the amount reported on hand at the close of the preceding year. Town clerks and county superintendents have heretofore found difficulty in compiling correct financial reports for the schools under their respective jurisdictions. It is hoped that by the operation of the law printed above correct reports may be obtained from each school district in the state. Over six millions of dollars are annually expended in the management of the public schools and it is not unreasonable to require a strict accounting from each district for the sums annually received and expended in the management of its school affairs.

Before the meeting proceeds to elect officers, the minutes of the last annual meeting should be read, and those of such special meetings as have been held during the year. The reports of district officers should also be presented, and referred to a committee for examination, with instructions to report at some later stage of proceedings. The reports of officers should be in writing, and should be carefully examined by the committee, or by the meeting, if convenient. The financial statements submitted should be accompanied by vouchers for all moneys expended. Reports of officers should be spread upon the records, as papers that are merely filed are often lost.

If a vacancy exists in the board from any other cause than the ex-

piration of the incumbent's term, it is advisable that a resolution be passed declaring that such vacancy exists, and stating the ground on which the meeting regards the office vacant. It is for the meeting to judge in the first instance whether a vacancy exists, and although it may err in so declaring the officer elected will be deemed an officer *de facto*, and his acts in relation to the public and third persons deemed valid, until his election is pronounced void by competent authority.

If a mistake is made in stating the length of an unexpired term, the person elected will nevertheless serve to the end of the term, and no longer, as this matter is regulated by law, and not by the vote of the district.

District officers may be elected at an adjourned annual meeting if such meeting be held within ten days after the time fixed by law for holding the annual meeting. A school district officer elected at an annual meeting cannot be displaced at an adjourned annual meeting.

The manner of resignations of school officers is fixed by sub-division 8, section 961, statutes of 1898, in the following words: "Resignation by a school district officer shall be made to the district board." It is clear from this that a resignation made to the electors at an annual meeting is not the resignation contemplated by statute and therefore does not without some other act of the officer, create a vacancy.

#### 4. To designate a site for a district school-house.

The vote of a district at an annual meeting, or at a special meeting called for that purpose, is necessary to establish a site. The district cannot delegate this power to the board or to a committee appointed for that purpose; although either may be authorized to examine the situation, price and title of a proposed site. The annual or special meeting should be adjourned until the committee or board can report.

Every schoolhouse site should contain at least one acre of land; should be described by the government survey; should be easily accessible to all parts of the district. A dry, sheltered spot should be chosen, well drained. A school house should never be placed on low or marshy ground, near a stagnant pool, or in the midst of distracting or unhealthful surroundings. The site designated hereafter must be on a public highway. (See section 477 as amended by chapter 171, and see also chapter 318, laws of 1909.)

It is quite proper, but not necessary, to designate a site before voting a tax to build the schoolhouse; neither is it necessary that the site should be designated before levying a tax to pay for the same. If the tax deemed sufficient is afterwards found to be too small, an additional tax may be voted; and, if too much is raised, the electors may appropriate the same to any object for which they can legally raise a tax. The expense of investigating the title and of recording the deed may legally be included in the tax for a site. Although the law authorizes the leasing of a site, it does not permit the district to contract a permanent debt for future rent. Land for a site is sometimes held under a lease granting it for a consideration, paid in advance, for so long a time as the same may be used for the purpose of a public school. It is always advisable that the district should own the site.

Sections 477—484 prescribe the course to be pursued when, for any reason, the district is unable to obtain the site that has been chosen according to law.

Where a schoolhouse is erected upon leased ground, the district may remove the same at any time previous to the expiration of the lease. (7 Bart.; N. Y. R., 266.)

A clear title to a schoolhouse site ought always to be secured, and where land chosen for this purpose is a part of a mortgaged tract, a

release should be obtained, if possible, before erecting a schoolhouse thereon.

5. To vote such tax as the meeting shall deem sufficient to purchase or lease a suitable site for a school-house, to build, hire, or purchase a school-house and to keep in repair and furnish the same with the necessary fuel and appendages; provided, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring or purchasing a school-house of more than six hundred dollars in any one year, unless the town board of the town in which such school-house is to be situated shall certify in writing that in their opinion a larger sum should be raised, specifying such sum, in which case an amount not exceeding the sum specified may be raised; provided, further, that no district containing a population of less than one thousand inhabitants may have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the town board shall certify as above set forth.

Although a tax may be levied before a title has been acquired, yet the district board should not part with the money before a conveyance of the site has been made.

A district meeting may vote a tax for a fence, sidewalks, separate privies for the two sexes, wood-house, stoves, stove-pipe, and bell, as these are held to be necessary appendages.

Money may also be raised to pay for the insurance of the school-house. The schoolhouse can now be insured in those companies that require a note for part of the premium. All taxes voted must be for specific and legal objects and the specific amount raised for each of the several objects for which the tax is levied should be stated in the resolution passed by the meeting, in order that the district and the board may know the precise extent of their liability and authority.

A district has power to vote a tax to enlarge a schoolhouse, notwithstanding it may have cost all that said district is by law authorized to raise in any one year, and the tax for such enlargement does not require the consent of the town supervisors thereto. The amount received from the sale of the old schoolhouse may be added to the amount authorized by law to be raised for building in any one year, and expended for the new building.

See chapter 498, laws of 1909, under free high schools which gives the electors of a town free high school district and the electors of an ordinary school district power to authorize their respective boards to unite in erecting a building to accommodate both districts.

6. To vote such tax as the meeting shall deem proper for the payment of teachers' wages in the district; provided, that for such purposes, in all school districts having an average attendance at school for the year of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year; in all school districts having an average attendance of



not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year; and in all school districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year.

The constitution provides that the income of the school fund shall be applied to the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor; while section 558 provides that the money received by each district from the income of the school fund shall be devoted exclusively to the payment of teachers' wages. Whether these apparently conflicting provisions can be reconciled or not, it is certain that the legislature here requires that districts shall pay each year, for teachers' wages, an amount equal to that received from the income of the school fund. The limitations of this section apply to the amount that may be raised for this purpose by taxation, exclusive of the amount received from the school fund income.

7. To authorize and direct the sale of any school-house, site or other property belonging to the district when the same shall be no longer needed for the use of the district.

The district should determine the conditions of the sale for which this section provides, if it desires to control the contract which its board is alone competent to make.

7a. To levy a tax for the purpose of paying to any surety or bonding company the fee or consideration necessary to secure a bond indemnifying the district against any loss of moneys belonging to the district in the hands of the school district treasurer.

The electors assembled at any annual or special school meeting are authorized to levy a tax for the purpose of paying the fee necessary to secure a bond for the district treasurer in cases where said bond is secured from some surety or bonding company. It does not provide any fee whatever in cases where the treasurer secures his own bondsmen from among his friends in or out of the district.

8. To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

9. To vote a tax not exceeding seventy-five dollars in any one year for the purchase of maps, blackboards and school apparatus.

See also section 436 as amended by chapter 39, laws of 1907.

Boards should be guided in the purchase of school appliances by the judgment of competent teachers, and that of disinterested persons who have some acquaintance with the teachers' needs. Thousands of dollars are doubtless expended annually in this state for apparatus that is practically worthless in the school room while the most necessary helps are entirely wanting or in such poor condition as to be useless.

10. To vote a tax not exceeding one hundred dollars in any one year for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase, said books to be selected under the advice of the state superintendent; provided, that any school district having less than two hundred children of school age shall not vote a tax exceeding fifty dollars in any one year for such library; and that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax of more than five hundred dollars in any one year for any purpose other than for the purposes prescribed in the fifth subdivision of this section, and for the payment of the principal and interest of any loan due the state.

Comments on the legislation relating to township and district libraries will be found under sections 485—486a and 486d.

See also Township Libraries, Chap. 164, Laws of 1909.

11. To authorize the district board to borrow money as provided elsewhere in these statutes.

Pages 121 to 130 inclusive of this book prescribe the manner in which, and define the purposes for which a school district may borrow money.

12. To authorize the district board to admit to the privileges of the school persons over twenty years of age and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year to be charged to the persons thus admitted.

(See also Chapter 183, Laws of 1909, page 280 of this code.)

By this clause the district is empowered to determine whether the persons named shall be admitted to the privileges of the school. Where the district fails to instruct the board in this matter, the board shall determine the fact and the rule under the general powers conferred upon district officers by the statutes.

It is sometimes difficult for district boards to determine the liability of inhabitants for the tuition of persons in their employment or under their protection. The general rule is that a minor's residence is with his parents or parent while they or either of them is alive and maintains a home. An orphan without a guardian takes his residence with him. While it is not right to allow non-residents and persons over twenty to overcrowd and so impair the efficiency of the school, it is well to remember that the constant purpose of the state in the establishment and maintenance of public schools is to disseminate as widely as possible the advantages of a common school education.

That provision of the state constitution which requires that "such schools shall be free and without charge for tuition to all children between the ages of four and twenty years," implies that every child of school age is entitled to free tuition somewhere. This manifest

purpose of the state to extend the advantages of a common school education to all children within her borders, should lead school districts to exercise the authority to charge or to remit tuition with which the law vests them in a spirit of liberality toward those children that are compelled by parental neglect to seek the equipment that the schools furnish beyond the limits of the home district.

The supreme court of the state (74 Wis., page 48) laid down the rule that a child is entitled to free tuition in a district in which he is residing for other, as a main purpose, than to participate in the advantages which the school affords. It will be seen that the decision guards carefully against the interpretation of the law which would require districts to furnish tuition to those pupils who are in the district for the purpose of availing themselves of its superior school advantages. See also 59 Conn., 489.

The district board has no authority to admit non-resident children into the school contrary to the vote of the district, nor has it authority to exclude them after the district has voted to admit them. It is the duty of the board, in this matter, to carry into effect the instructions of the district.

It will be seen that the board has power under section 429 to admit persons between twenty and thirty years of age to the schools in certain cases. This power is commented upon in the proper place.

The teacher has no authority in the matter of admitting or excluding non-residents, but will be governed by the instructions of the board.

13. To authorize the district board to purchase text-books for use in the public schools, to be loaned or furnished pupils under such conditions as, by such vote and regulations of the board thereunder, may be prescribed.

Section 440 requires school district boards to determine what books shall be used in their respective districts, and section 430b provides that the question of furnishing free text-books shall be submitted to every annual school district meeting. While the board has power to *adopt*, it has no power to *purchase* text-books, unless authorized to do so by the district at its annual meeting. Books that have been adopted must be retained for at least three years; but boards cannot bind their districts to purchase these books at a fixed rate, or of a given house for more than one year. 16 Wis., 336.

14. To determine the length of a time a school shall be taught in their district the then ensuing year, which shall not be less than \* \* \* eight months, \* \* \* but if such \* \* \* matter, shall not be determined at the annual meeting the district board shall determine the same.

A school must be taught one hundred and sixty days to meet the requirements of the law in regard to the apportionment of school money. This number includes legal holidays, viz.: New Year's day, the twenty-second of February, the thirtieth day of May (Memorial day), the Fourth of July and Christmas, together with days of fasting or thanksgiving appointed by state or national authority.

In order that holidays may be legally counted as part of the term, they must occur *during* the time school is in session, and not during any vacation period.

It should be borne in mind that a district, at a special meeting, can-

not rescind a resolution passed at an annual meeting or set aside the action of a district board when rights have been acquired by third parties by virtue of such resolution or such action.

14a. (Chapter 256, Laws of 1905.) SECTION 1. Whenever any school district having a school house of one room only shall enroll in any one school term, sixty-five pupils or more in such school it shall be the duty of the electors of said district at the next annual meeting to authorize the district board to make provision for an additional room and an additional teacher for the accommodation and instruction of said children.

SECTION 2. Failure to comply with this act shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the seven-tenths mill tax as provided by law.

This law does not mean that school must be maintained in the additional room for the entire year but for the term only in which the enrollment is beyond the limit. This will probably be the winter term only. If the enrollment occurs for more than one term, a state graded school should be organized.

(Chapter 502, Laws of 1909.) SECTION 430—1. The electors of any school district shall have power at any annual or special school district meeting to order the district board to suspend the district school for such length of time as said electors may determine to be to the best interests and advantage of the pupils residing in said district and to authorize the district board to make all necessary contracts in behalf of the district suspending the school for payment of tuition of such pupils to another school or to other schools conveniently located.

SECTION 430—2. The electors shall also have power to order the board to provide for transportation of any or all pupils residing in the district to and from the school in their district or to and from the school or schools with which contracts for tuition are made.

SECTION 430—3. In all cases where the electors have voted to suspend the school in their district or have directed the board to pay for tuition or for transportation they shall provide by tax upon the district, a sum sufficient to meet the cost of the tuition or the transportation or both; provided that if any district at its annual or at a subsequent special meeting prior to the third Monday of November following shall not vote a tax sufficient to pay for tuition or transportation or both for the time during which the school is suspended, the district board, on or before the Wednesday next following said third Monday of November, shall determine the sum necessary to pay for tuition

or transportation or both, as the case may be, and the district clerk shall at once certify to the town clerk the amount so fixed and the town clerk shall assess said amount as other district taxes are assessed.

SECTION 430—4. It shall also be lawful for the electors to authorize the school board to enter into an agreement with the parent, guardian, or other person in charge of any pupil to compensate such parent, guardian, or other person, for transporting any pupil or pupils to and from school and to levy a tax therefor, provided that in all cases where the distance from the home of the pupil or pupils who are to be transported is two miles or less by the nearest traveled highway the sum per pupil so paid shall be such as may be authorized by the electors and in all cases where the distance is more than two miles the state may be called upon to pay five cents per day for each such pupil transported regularly to and from school in some reasonable and comfortable manner for a period of not less than five months. The school board or the town board of school directors and the principal teacher of the school in which such pupil is enrolled shall, on or before the fifteenth day of July of each year, make under oath a report giving the name of each pupil transported more than two miles, the number of days such pupil was transported, the mode of transportation and the total amount claimed by the district on account of all pupils residing more than two miles from school, for whom transportation or transportation and tuition have been paid.

SECTION 430—5. Upon receipt of such report the state superintendent shall certify to the secretary of state the amount due such district and the secretary of state shall thereupon issue a warrant in favor of such district for such amount which shall be paid by the state treasurer to the treasurer of the district from the school funds provided for by section 1072a of the statutes.

SECTION 430—6. It shall be the duty of the clerk of the school district board to embody in the notice of every annual or special school district meeting at which any or all of the above matters are to be considered, a statement to that effect and said notices shall be posted, or posted and served, as provided for in sections 425, 426 and 427 of the statutes of 1898.

SECTION 430—7. No contract or agreement shall be made under this act that shall bind any district for more than three years.

SECTION 430—8. Wherever the term "electors" or "board" or "district board" or "district" occurs in this chapter it shall

apply with equal force to "electors of a town or towns," or "town boards of school directors" in towns operating under the township system of school government.

17. To give such direction and make such provision as may be necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested.

The district may appoint any suitable person to represent it in a suit; but in the absence of such appointment, the director is constituted the representative of the district in all suits. See section 442 and the comment thereon.

18. At the annual meeting only, to vote a tax to compensate the clerk, treasurer and director, which in districts supporting graded and high schools shall be such sums as may be voted, and in other districts not more than ten nor less than five dollars for each or any of the above officers.

This chapter, authorizes the electors of any school district to compensate the treasurer and director, as well as the clerk, of the school board. If the electors desire to vote a compensation to these officers for services rendered it must be voted at the annual meeting at the commencement of the year. When compensation is not voted by the electors the officers serve without pay and the sum voted to each officer must be definitely stated. The amounts need not be the same.

19. To alter or modify the [their] proceedings as occasion may require.

The power to repeal proceedings cannot be exercised after they have been carried into effect, and rights have been acquired under them. When the district board has made a contract under authority of the district, the repeal of the resolution authorizing such contract will not abrogate the contract.

A district can repeal a resolution to raise a tax, at any time before the warrant to collect the tax is handed to the collector; but this power cannot be exercised after part of the tax has been collected (*Gale vs. Mead*, 4 Hill; *Smith vs. Dillingham*, 4 Barbour). When it is thought advisable to repeal a resolution it should be done in express terms and not by implication.

Officers elected at an annual meeting cannot be displaced by reconsidering or rescinding former proceedings at an adjourned meeting. When an election has been held in due form, the elective power of the district is exhausted, and the officers chosen at the annual meeting are the legal officers of the district, until by death, resignation, removal from the district, expiration of term, refusal to serve, or removal from office, a vacancy occurs proper to be filled by election or appointment. And when a person entitled to hold office has been elected, and has not refused to serve, there is no power to take it from him or to debar him from assuming its duties.

This statute was designed to supplement clause 13 of section 430.

**Limitation of taxes.** SECTION 430a. (Part of Chapter 439, Laws of 1903. See page 187.) The total amount of school district tax hereafter levied in any school district in this state in any one year for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed two per cent. of the total assessed valuation of taxable property in such school district for the preceding year.

**Election of school officers in village, or city of fourth class.** (Chapter 351, Laws of 1909.) SECTION 430a—1. (1). Whenever a petition requesting that an election of school district officers shall be conducted after the manner of voting for village or city officers, signed by not less than twelve qualified voters of any school district in which the school officers are elected by the people, and which contains wholly or partly within its limits an incorporated village or city of the fourth class, is presented to the clerk of such district he shall at least six days before the time fixed by law for the annual school district meeting, post or cause to be posted in at least six of the most public places in the district, notices giving the manner of holding and conducting such election.

(2) The election of school district officers shall be held in some convenient room in the district school building, and if there are two or more school buildings in such district, the notice shall specify in which building the election shall be held, and if the notice does not so specify it shall be understood that the building in which the last annual school meeting was held shall be the building designated.

(3) The election of officers shall be by ballot, and suitable ballot boxes shall be provided therefor. The polls shall be opened at three o'clock in the afternoon of the day fixed by law for holding the annual school district meeting, and shall be closed at seven o'clock of the same day. The time of opening and closing the polls, as well as the place of holding the election, shall be specified in the notice of such meeting, but a failure to so specify the time of opening and closing the polls and designating the place shall not vitiate such election.

(4) The mayor of the city or the president of the village or board of trustees, as the case may be, shall appoint not more than five persons who shall act as inspectors and clerks of this election and who shall make and keep a list of all the electors, men and women, voting at such election.

(5) Immediately after the polls are closed and the ballots counted, the result shall be declared, and all ballots as soon as

counted, shall be sealed in the ballot box and be kept in the custody of the village clerk or the city clerk, as the case may be, for sixty days. As soon as the result of the election is announced, the electors shall organize and conduct the regular and usual business, other than the election of officers, authorized to be done at annual school district meetings.

(6) The privilege of challenging any person as to his or her right to vote at such election shall not be prohibited or restricted.

(7) The amount of compensation paid to the inspectors and clerks of this election shall be one dollar for each such inspector and clerk engaged and acting in conducting this election, said compensation to be paid from any funds in the treasury of the school district not otherwise appropriated.

**Vote on free text-books.** SECTION 430b. At the annual meeting the question of providing free text-books for the use of all pupils attending the schools in the district and levying a tax sufficient to meet the expense of furnishing free text-books for the use of such pupils shall be submitted to the legal voters present at such meeting and a vote taken thereon. The chairman shall direct the vote to be taken before entertaining a motion to adjourn sine die, and upon demand of any five legal voters present the vote shall be taken by ballot if a written resolution upon the question be submitted, and the ballot of those favoring the resolution submitted shall have thereon the word "yes," and of those opposing the word "no."

This statute was designed to supplement clause 13 of section 430.

**Kindergartens.** SECTION 430c. (Created by Chapter 298, Laws of 1899.) In any school district under the supervision of the county superintendent in which a high school or a graded school having more than two departments is maintained the question of establishing and maintaining by the levy of a tax therefor as many kindergartens as will be required to accommodate the children of such districts between the ages of four and six years, allowing forty pupils to each kindergarten may be submitted at the annual meeting to the legal voters present and a vote taken thereon as in the case of a vote on free text-books.

SECTION 430d. (Created by Chapter 298, Laws of 1899.) The board of education in any city of the third or fourth class whether organized under the general law or special charter, at the time of certifying to the city clerk its yearly estimate of



the expenses of the public schools under its charge shall certify also separately an estimate of the cost for the school year of as many kindergartens as will in their judgment be required for the accommodation of the children of said city between the ages of four and six years. The council shall take action thereon. If the whole or a part of the estimate be approved, the council shall make an appropriation of the amount approved by them for that purpose, which shall be in addition to the other funds appropriated for school purposes and shall be used only for the support of such kindergartens.

This chapter commends itself to those who are in favor of the establishment of kindergarten departments, either in the country or in cities of the third and fourth classes.

For legal qualifications of kindergarten teachers, see chapter 317, laws of 1907, page 84.

SECTION 430n. (Chapter 588, Laws of 1907.) The electors of any school district having adopted the provisions of chapter 317, laws of 1899, as amended by chapter 205, laws of 1901, and chapter 421, laws of 1905, may at any annual school meeting held in such school district vote to rescind the action of the electors of the district in adopting the provisions of this chapter, and to return to the district system of school government as provided in subsection 3, section 430; provided, that ten days' notice that such a question will be submitted to the electors of the city school district at the annual meeting, be given by posting five copies thereof in five different public places in such city school district. In case the electors shall vote to have a school board of three members, the director, clerk and treasurer then in office in such district shall continue in their respective offices during the full term for which they were elected, and thereafter their offices shall be filled in the manner prescribed by law.

#### GENERAL OUTLINE FOR CONDUCTING DISTRICT MEETINGS.

1. Elect a chairman (the person so elected may or may not be a member of the school board).
2. If the district clerk is not present, appoint some one to act in his place. A full record of the proceedings of the meeting and the business transacted *must* appear upon the minutes.
3. The minutes of the last annual and all intervening special meetings, if any, should be read, corrected if necessary, and approved.
4. The itemized reports of the members of the board giving the receipts and expenditures for the year ending June 30th should be read and acted upon.

5. The report of the committee of three taxpayers appointed at the last annual meeting to examine the accounts of the school board should now be read.
6. Determine the length of time school shall be taught during the ensuing year, which must not be less than eight months. The graded schools desirous of sharing in the special state aid must maintain at least nine months of school.
7. Vote to raise a tax for school purposes for the ensuing year. This tax should be sufficient to enable the board to purchase needed apparatus and supplies, and the question should be brought up by the board, discussed, and a conclusion reached as to the amount needed, at the board meeting on the Saturday before the annual meeting. (See section 425, School Code.) Any person has, however, the right to make a motion as to the amount that shall be levied.
8. Appropriate the sums of money necessary for repairs to the school building, fences, out-houses, grounds, for additional furniture, for providing for heating and ventilation, repairing or placing new blackboards, etc., etc. The members of the school board should make it a point to be at the schoolhouse in a body, half an hour or so before the time for opening the meeting. This time should be devoted to a careful examination of the condition of the buildings and grounds. This is also a good time to determine the cash valuation of the schoolhouse and the site. The books in the library (if they are still in the schoolhouse) should also be counted and examined, and the value of the apparatus estimated. This will enable the clerk to make a satisfactory statement in regard to these matters in his forthcoming report.
9. If necessary levy a tax for the purpose of providing money for the purchase of maps, blackboards and school apparatus (see chapters 39 and 600, laws of 1907, found in the School Code Supplement). Expensive school apparatus should not as a rule be purchased. All *kinds* of apparatus purchased must have the approval of the county superintendent of schools or of the state superintendent. In the past some persons purporting to represent the state superintendent have persuaded school boards to purchase charts, etc., which are practically valueless to the school. School officers are agents of the district and should carefully avoid the imposition of traveling salesmen of this class. It must be distinctly remembered that the state superintendent will give no agent a general recommendation for books, furniture, or apparatus of any kind. Any information relating to these things is only given upon receipt of requests made by school officers. Keep clearly in mind that any person purporting to represent the state superintendent in any way as an agent for school supplies of any kind is an imposter. His name, business, etc., should be reported to this office immediately upon his appearance in any district or his making an attempt to influence any school board to purchase his goods.
10. A vote should be taken as to whether or not the district clerk, the district treasurer and the district director shall receive a salary for the coming year. A tax must be levied if the vote is favorable. The school district officers can not lawfully draw, countersign or pay an order upon the district treasury for the above purpose without having been first authorized to do so by majority vote of the electors.
11. Elect officers to fill vacancies. This election must be by ballot. No other plan is legal. A majority (*more than half the voters voting in the meeting*) is necessary to an election.

12. Appoint a committee of three taxpayers to examine the accounts of the school board between the 30th day of June next following their appointment and the nearest annual meeting, this committee to report at said annual meeting.
13. If necessary, vote to authorize the board to borrow money. The electors have authority to direct the board to borrow money from some bank or some individual or from the trust funds. If this matter is to be brought before the meeting, the directions under the head of "Borrowing Money," found in the School Code should be carefully read by all the school officers and by other parties directly interested. Sections 475, 476, 476a of the School Code should be carefully read and studied before the meeting is held. Read chapter 216, laws of 1907, in order to determine the maximum amount that may be borrowed.
14. Vote upon the question of authorizing the district board to admit to the privilege of the school, non-resident pupils and persons over twenty years of age.
15. Fix a fee for tuition per week, month or term, to be charged for persons so admitted. If the electors do not decide this matter the duty devolves upon the board.
16. Vote upon the question of closing the district school for one or more terms or for the year and providing for tuition, or tuition and transportation to adjoining districts in accordance with chapter 502, laws of 1909.
17. Vote to determine whether or not the school board shall be directed to close the school and provide transportation and tuition for all persons of school age who may attend a state graded school or the grades below the high school in some adjoining or convenient district. (The tuition of those who attend the high school may be paid by the town in which they reside.) Chapter 553, laws of 1907, must be read and studied in this connection. Any district complying with the provisions of said chapter is entitled to receive seventy-five dollars of special aid from the state upon filing the proper application.
18. Vote to determine whether or not the school board shall be authorized to enter into contracts with parents, guardians or other persons in charge of any pupil or pupils to compensate such parents or guardian for transporting any pupil or pupils to the school. The statute permits compensation to be paid to such parents or guardians in cases where the distance is more than two miles from the school. Upon a proper statement made to the state superintendent as required by this act, a warrant may be drawn upon the state treasury for five cents per day for each day any child is transported under certain conditions. Read chapter 502, laws of 1909.
19. Levy a tax to raise money for the payment of transportation or tuition in case advantage should be taken of any of the above provisions.
20. Vote upon the question of furnishing free text books for your district. Chapter 443, laws of 1905, empowers the *school board* to change text books, but under no circumstances must textbooks be changed, unless they have been in use for at least three years.
21. Consider whether or not consolidation of school districts or of school interests in your neighborhood will be advantageous.
22. Consider whether or not your school may be profitably organized into a state graded school or in certain cases into a free high school.

Read chapter 256, laws of 1905, if you have anything like sixty-five pupils enrolled in a one room school house. If a two de-

partment state graded school is established the district will be entitled to special aid to the amount of \$200 each year and if a three department school is established \$300 will be paid annually.

23. Entertain any other matter relating to the management of the affairs of the district.
24. Adjourn sine die if the business of the district has been satisfactorily completed. If not satisfactorily completed, it will be well to adjourn to a near future day. By so doing the trouble of calling a special meeting will be avoided. As many adjournments as are necessary to complete the business of the district may be legally taken.

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PARLIAMENTARY  
MOTIONS IN ORDER  
OF RANK  
(A)

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1. To adjourn (3).....

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2. Question of privilege..

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3. Orders of the day (Special).....

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4. Appeal from decision of chair. Questions of order

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5. To withdraw motion ..

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6. To suspend a rule (4).

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7. To reconsider (5).....  
(B)

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8. To lay on the table (7)  
To take from the table

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9. Previous question (6).

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10. To postpone to certain time.....

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11. To commit, refer or to commit (8).....

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12. To amend (9).....

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13. To postpone indefinitely (11).....

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14. The principal motion.

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(A) Motions are  
one of lower order

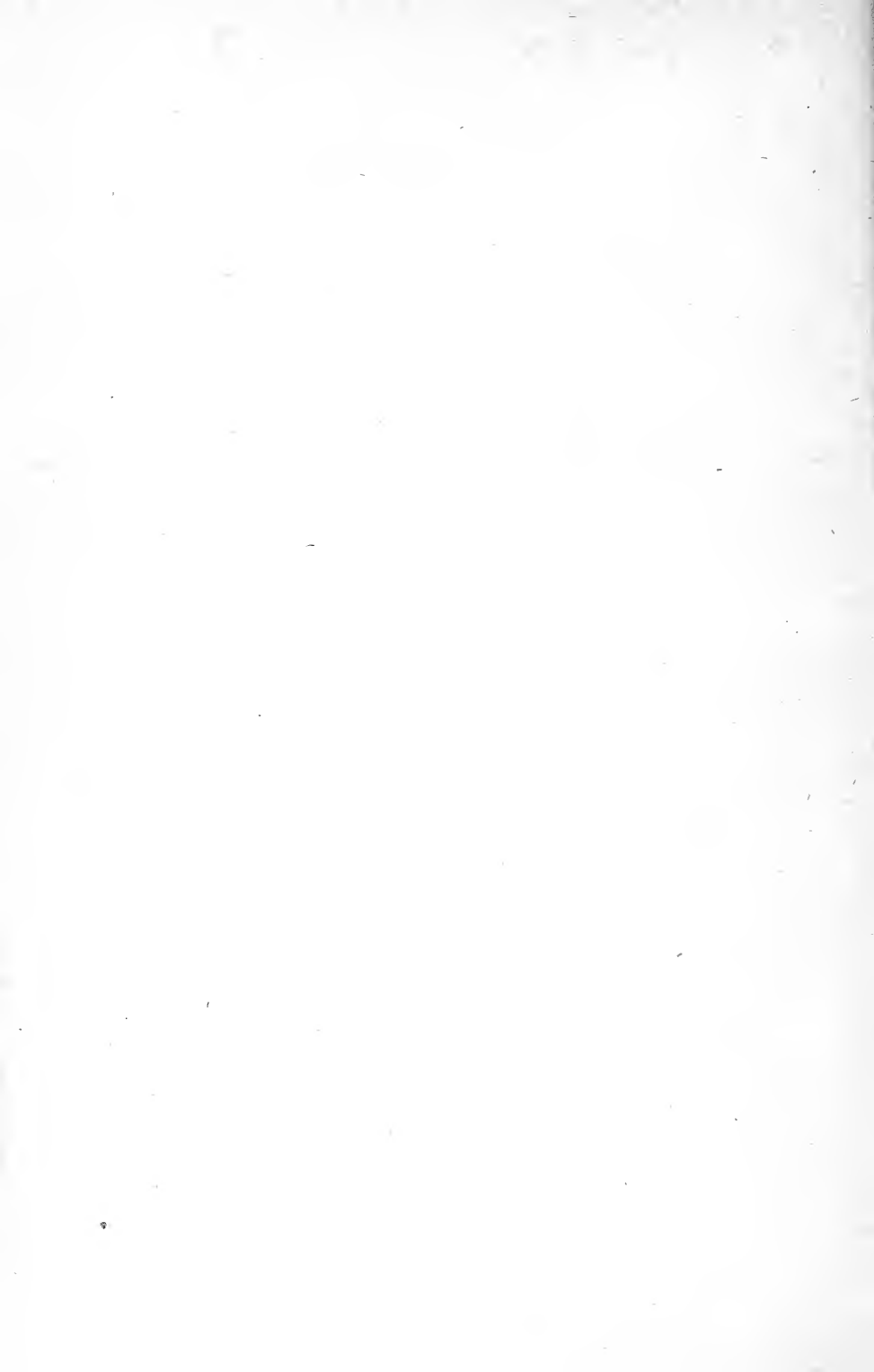


# SOME SIMPLE RULES OF PARLIAMENTARY PRACTICE.

PARLIAMENTARY MOTIONS IN ORDER OF RANK (A)	Must it be Seconded?	What Majority for Passage?	Is it Debatable?	Does it Open Main Question to Debate?	Can it be Amended?	Can it be Committed?	Can it be Postponed?	Is it subject to Previous Question?	Can it be Reconsidered?	Can it be Laid on the Table?	Can it be Renewed?	How does it Affect Main Question?
1. To adjourn (3).....	Yes	Majority	No	No	No	No	No	No	No	No	Yes—after either business meeting convenes	(1) An affirmative vote on the orders of the day removes the main question from consideration; a negative vote dispenses with the business for special time.
2. Question of privilege....	No	Majority	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Merely suspends action on main question
3. Orders of the day (except 1st).....	No	Two-thirds	No	No	No	No	No	No	Yes	No	No	See note (1)
4. Motion from decision of Chair. Questions of order	Yes	Majority	Yes—chairman may speak once.	No	No	No	No	Yes	Yes	Yes—suspends chair if carried	No	Merely suspends action on main question
5. To withdraw motion....	No	Majority	No	No	No	No	No	No	Yes		Yes	Does not affect it
6. To suspend a rule (4)....	Yes	Two-thirds	No	No	No	No	No	No	No	No	No	No effect
7. To reconsider (5)..... (B)	Yes	Majority	Yes, if main question is	Yes	No	No	No	Yes, affects only reconsideration	No	Yes, does not table main question	Yes	No effect
8. To lay on the table (5).... To take from the table....	Yes	Majority	No	No	No	No	No	No	No	No—neg. vote Yes affirm. vote	No	Tables main question and all secondary to it
9. Previous question (6)....	Yes	Two-thirds	No	No	No	No	No	No	Yes	Yes, tables entire subject.	Yes	Compels immediate vote on main question (2)
10. To postpone to certain hour.....	Yes	Majority	Yes—as to time	No	Yes—as to time	No	No	Yes, does not apply to main question	Yes	Yes	Yes	Postpones entire subject to time specified
11. To commit, refer or recommend (8).....	Yes	Majority	Yes	Yes	Yes	No	No	Yes, forces vote at once	Yes	Yes, tables entire subject	Yes	Commits main question and all secondary to it
12. To amend (9).....	Yes	Majority	Yes if main question is	No	Yes, and an amendment to an amendment	Yes—takes principal motion	Yes—postpones main question	Yes, forces vote at once	Yes	Yes, tables entire subject	No	See note
13. To postpone indefinitely (11).....	Yes	Majority	Yes	Yes	No	Yes	Yes	Yes, does not affect main question	Yes	Yes	Yes	Removes main question for session
14. The principal motion....	Yes	Majority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

(A) Motions are arranged in the order of the rank, except Reconsider. Each can supersede one of lower order; none except amend can supersede one of higher order.

(B) Reconsider usually classed as "miscellaneous" motion. It is in or at any time. Can be applied to every other question except adjourn and suspend rules, and affirmative vote on lie on the table.





## II.—DISTRICT OFFICERS.

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**Elections, terms and acceptance.** SECTION 431. The officers of the district shall be a director, treasurer and clerk, who shall be residents of the district and hold their respective offices for three years and until their successors have been elected or appointed, but not beyond ten days beyond the expiration of their term of office without being again elected or appointed; provided, that at the first election of such officers in any newly organized district the clerk shall be chosen for one year, the treasurer for two years and the director for three years; and thereafter each officer shall be chosen for three years. Any person present at a meeting at which he shall be elected one of the board shall be deemed to be notified thereof; and any person so elected and not present shall be notified thereof by the clerk of said meeting within five days thereafter; and unless each person elected and notified shall within ten days after his election file with the clerk his refusal in writing to accept the office he shall be deemed to have accepted the same.

See Forms Nos. 15 and 16.

For law relating to school boards of seven members, see chapter 317, laws of 1899, as amended by chapter 205 laws of 1901, and chapter 421, laws of 1905, and chapter 198, laws of 1907, found under section 430 relating to powers of districts.

In reckoning the terms of district officers, the time from the first meeting of a legally organized district to the first annual meeting, no matter how short that may be, is to be considered a year, because all subsequent elections must take place at the annual meetings of the district; hence, at the first annual meeting after its organization the district will elect a clerk, at the second a treasurer, and at the third, a director, each for a term of three years. Ordinarily, but one district officer will be elected at an annual meeting, but it will sometimes be necessary to fill the unexpired terms of those who have vacated their offices.

Section 443 restricts districts in their choice of treasurers; and provides that they shall hold their offices until their successors are elected or appointed, and qualified by filing the required bonds.

Section 513 makes women twenty-one years of age eligible as school district officers. Persons who have declared their intention to become

citizens are eligible to district offices. The supreme court in 14 Wis., 539, held that,—

“As to all such governments it is an acknowledged principle which lies at the very foundation, and the enforcement of which needs neither the aid of statutory nor constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that it is to be administered and its powers and functions exercised only by them and through their agency.”

The doctrine laid down in this decision applies to women as well as to men. A married woman's legal status is determined by that of her husband.

**District board.** SECTION 432. The director, treasurer and clerk shall constitute the district board. Meetings of the board may be called by any two members thereof by serving on the other member a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place. No act authorized to be done by the board shall be valid unless voted at its meeting. No formal notice of a meeting will be required where all members are present and consent to consider matters relating to the district.

The decision of a majority at a meeting properly convened, is the decision of the board, but the decision of a majority, or even of all three, under other circumstances, is not the decision of the board. It is merely the concurrent opinion of the members, and is no more the decision of the board than the concurrent opinion of the members of the legislature, arrived at by taking their separate votes at their respective homes, would be an act of the legislature. 37 Wis., 54; 59 Wis., 518.

It was held in 16 Maine R., 185, that the dismissal of a teacher by two, a majority of the board, was illegal, because the third was not notified, although he was out of town. The court says: “That does not allow the majority to dispense with the rule requiring notice. They are not in such cases constituted the judges whether the notice would be effectual to secure his attendance. Nor would it be entirely safe to entrust them with such power, as it would afford an opportunity to select an occasion when they might judge that a notice would be ineffectual, and thus, by neglecting to give it, free themselves from the presence of a dissenting minority. It may often happen that those will be able to attend, who were believed to be so situated that their attendance could not be expected. Nor is there any difficulty in giving the requisite notice in such cases, as one left at the usual place of residence would be sufficient.”

A single member of the board may be authorized to carry out a vote or determination of the board, such as making a purchase, engaging work to be done, etc.

In *Nevil v. Clifford*, 63 Wis., 435, the court held that:

1. The school board has the power to build a schoolhouse out of funds provided by the district for that purpose, but has no power to build, or cause to be built, a schoolhouse, and *then* make the cost of the building a charge against the school district.

2. The voters at a school district meeting cannot authorize the school board to contract a debt on behalf of the district, or to levy a tax in an amount beyond the limit of their own powers in that behalf.

3. Nor can a school district ratify a contract or acts of the school board, which it would have no power to authorize in the first instance.

4. A school district though containing less than 250 inhabitants may borrow a sum exceeding \$600 for the purpose of building a schoolhouse, if the money is borrowed on such terms that it will not be necessary, in order to repay it, to levy a tax exceeding \$600 in any one year. See subd. 11, sec. 430, and secs. 474, 475, 476, 476a, statutes of 1898, and chapters 40 and 342, laws of 1901 and 216 laws of 1907.

**Publication of official proceedings of school boards in villages and cities.** SECTION 925—46m. (Chap. 249, Laws of 1909.) The official proceedings of regular and special meetings of boards of education in all incorporated cities and villages in this state, including a full statement of all receipts and expenditures, shall be printed and published in such manner as the board of education shall direct.

This chapter does not affect any school board of any school district that does not include all or a part of some incorporated village or all or part of some city.

If the district is composed of territory, part of which lies in a village or city and part in the adjoining town or towns, the board of such district is bound by this law. The manner of publication is left to the judgment of the board. The purpose is to give publicity to the board proceedings.

**Filling vacancies.** SECTION 433. The board may fill by appointment any vacancy that may occur in their number within ten days after such vacancy shall occur; and if such vacancy shall not be so filled the town or village clerk, and in the case of a joint district the clerk of the town or village in which the school-house is situated, shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same unless within five days thereafter he shall file with the clerk or director a written refusal to serve; and any person so appointed shall hold office until the next annual meeting, at which the electors shall fill such vacancy for the unexpired term.

See Forms Nos. 17, 18 and 19.

Section 962, of the Wisconsin statutes, declares when offices become vacant. That section is here inserted:

SECTION 962. Every office shall become vacant on the happening of either of the following events:

1. The death of the incumbent.
2. His resignation.
3. His removal.
4. His ceasing to be an inhabitant of the state; or if the office be local, his ceasing to be an inhabitant of the district, county, town, city or village by or for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged.
5. His conviction of any infamous crime, or of any offense involving violation of his official oath.
6. The decision of a competent tribunal declaring void his election or appointment, or adjudging him insane.

7. The neglect or refusal of any person elected or appointed or re-elected or re-appointed to any office to give or renew his official bond, or to deposit the same in the manner and within the time prescribed by law.

8. The neglect or refusal of any officer in office to execute and file an additional bond, when lawfully required, in the manner and within the time so required or prescribed by law.

9. The death or decedation in writing of any person elected or appointed to fill a vacancy, or for a full term, before he qualifies, or his death or such decedation before the time when, by law, he should enter upon the duties of his office, to which he was elected or appointed.

10. On the happening of any other event which is declared by any special provision of law to create a vacancy.

This section intrudes authority for the village clerk to appoint members of district boards, or members of boards of joint districts, in all cases where the members of the boards themselves fail to fill a vacancy in their own number.

This power of appointment by the village or city clerk does not extend beyond the limits of the district in which an organized village or city is located.

"When a vacancy in the board of a joint school district has not been filled by the board itself within ten days, such vacancy must be filled by appointment made by the clerk of the town, village or city in which the school house of the joint district is situated.

By this section it is made the duty of the town, city or village clerk to fill a vacancy in a district board when he is officially informed of its existence; but his function is administrative, not judicial, and does not clothe him with authority to inquire into the validity of an officer's election or appointment, or to declare an office vacant.

The sufficiency of the treasurer's bond must be determined by the directors and clerk, but they are bound to exercise a sound discretion and may not use this power to defeat the will of the district.

"The wilful and unjust refusal of the officer required to approve the official bond of a person elected or appointed to an office, to give it his approval, cannot deprive such person of his office or create a vacancy therein.

"If the failure of a person appointed to an office to file his official bond within the time prescribed was due to no neglect or default on his part (as where the officer required to approve such bond withheld his approval on the ground that the appointment was invalid), such appointee may, after judgment in his favor in an action to oust an usurper from the office, file his bond and do any other act necessary to entitle him to discharge the duties of the office." See section 3471, W. S.; 65th Wis., 510.

The word "town" may be construed to include all cities, wards, or districts, unless such construction would be repugnant to the provisions of any act specially relating to the same. Subd. 17, sec. 4971, W. S.

The power of a district board to fill a vacancy continues but ten days; if they do not fill it in that time, the duty devolves upon the town clerk. But neither the board nor the town clerk is authorized to act judicially, and set aside an election, where an officer is deemed to have been elected illegally. Such person having been declared elected, and having entered upon the office, will be held to be an officer *de facto* until the illegality of his election is determined by competent authority.

In other cases the board, town, city or village clerk, before making an appointment, must of necessity decide in view of the facts that a vacancy exists, and in the order making the appointment, the facts which have caused the vacancy should be stated.

In case of expiration of a term of service, and no election to fill the vacancy, it is to be understood that the term does not actually expire until ten days after the annual meeting. The board then has power, for ten days, to fill the vacancy; and the town clerk has therefore no power to fill it until twenty days after the annual meeting.

In case of a single vacancy in the district board, those in office possess all the powers of a full board for the purpose of filling such vacancy, but if two vacancies exist at the same time, the remaining member cannot fill them. It must be done by the town clerk.

A person should not be re-appointed who refuses to serve, or whose resignation has been accepted. The statute regards the penalty for refusing to serve as an equivalent for the service. (See section 500.)

In case of appointment, the term of office of the appointee expires at the next annual meeting, and if a successor is not then elected, the incumbent cannot hold the office more than ten days after the annual meeting, except in the case of the treasurer who will hold the office until his successor has filed his bond. It then becomes the duty of the board to fill such vacancy, and if they neglect to fill it, this duty devolves on the town clerk.

**Vacancy.** SECTION 433a. When the clerk, director or treasurer shall be and remain absent from the district for which he was elected for a period exceeding sixty days his office shall be deemed vacant.

**Purchase, etc., of school-house.** SECTION 434. When lawfully directed by the electors the board shall purchase or lease the site for a school-house designated by the district; build, hire or purchase a school-house out of the funds provided for that purpose, and sell and convey any site, school-house or other property of the district.

See Form No. 20.

A school district is a corporate body, and as such has perpetual succession and existence in its corporate name, and the capacity to hold real and personal estate for its corporate purposes. It possesses this power as a legal body wholly distinct from the individuals who from time to time compose it. The district can act as a corporation only through its officers. The power to purchase or lease a site for a school-house, or to build, hire or purchase a schoolhouse, or to sell any schoolhouse, site or other property, belongs exclusively to the district board. It is often the case that a building committee is appointed by the district to superintend the erection of a schoolhouse. Although the law contemplates no such committee, there may be no serious objection to it, if it can aid the board by its advice and service in carrying out the wishes of the people. But the district board alone has power to bind the district by a contract, written or verbal, and the district has no power to supersede them by appointing a building committee, or any other agents.

A stringent contract, which in all cases should be in writing, with proper provisions for the adjustment of any questions that may arise under it, should be made.

The inhabitants of a district assembled in district meeting, should give plain and specific instructions to the district board in regard to the matters referred to in this section. All votes relating to purchase or sale of a site, schoolhouse, or other district property, should be taken

by yeas and nays, and all proceedings should be entered at length upon the record book of the district.

**Care of School Property—Entertainments—Admission may be charged.** (Chapter 270, laws of 1907, amending section 435, statutes of 1898.) SECTION 435. The board shall have the care and keeping of the schoolhouse, books, apparatus and other property of the district, except that especially confided by law to the clerk, and before each annual meeting they shall make and deposit with the clerk of the district an inventory thereof; keep the schoolhouse in good condition and repair, and provide all necessary appendages during the time a school shall be taught therein. They may grant the request of any responsible inhabitant of the district to occupy the schoolhouse for such public meetings as will, in the judgment of the board, aid in disseminating intelligence and promoting good morals; any such licensee shall be answerable, and if there be no responsible licensee, the members of the board shall be personally liable to the district for any injury done to any property and for any expense incurred by, at or in consequence of any such use of the schoolhouse. They may grant the use of the schoolhouse for the holding of lectures, entertainments and school exercises, provided they are held under the auspices of the school authorities, and are for the benefit of the school, and may permit the charging of an admission fee thereto.

Until the passage of this act it was not lawful for the authorities in a school district to charge an admission fee for attendance upon lectures, entertainments and school exercises given in the public school building. This law changes the rule and an admission fee may be charged for admission to entertainments given in the public school building. Read section 515a under "cities" page —.

The books and records of the district are by law committed to the care of the clerk. The board has exclusive control of all property belonging to the district.

It is the duty of the board to provide the necessary appendages for the schoolhouse, without waiting for instructions from the people of the district. They are also required to keep the schoolhouse in good condition and repair during the time a school shall be taught therein. This duty should be promptly and efficiently performed. Under this section the board has power to cause to be built suitable out-houses, and to provide blackboards, and other things necessary to the successful management of the school.

It may be wise for district officers to be guided by the expressed wish of the district concerning matters which this section commits to their care; but no vote of the electors of a district can divest its officers of the authority or relieve them of the responsibility with which the statute clothed them.

In the exercise of the discretion confided to the board under this section it should distinguish between things necessary and things unnecessary, though perhaps desirable. A stove is a necessity, an organ is not.

This power is limited by the power to raise a tax prescribed in subds.

5 and 8, sec. 430; and is also conditional upon the allowance of the account of the board at a district meeting, as provided in sec. 436, except where the district has already provided a fund and directed the board to purchase and pay for such appendages therefrom. A purchase of seats for a schoolhouse by the board before the district has voted to raise any money therefor is void unless the account be allowed by the district or the purchase be in some manner ratified by it. The allowance of such account is a condition precedent to the levying of a tax therefor. Retaining and using such seats is not a ratification of the express contract made by the board therefor, when such contract was never presented to the voters of the district, and there is no evidence to show that they knew its terms. But such retention and use amount to an approval of the payment of the purchase price for such seats by the board: *Kane v. School District*, 52 Wis., 502. But if the terms of such contract had been made known to the voters of the district at some meeting thereof, and they had failed to act thereon and had afterwards authorized the district officers to use the articles purchased, probably this would have bound the district.

The board should also visit the school, inspect the buildings and grounds and see that the school building is insured in some good company. See sections 441-441a, and chapter 373, laws of 1905, page .... of this code.

**School boards to provide maps, charts, globes, books and supplementary readers and other equipment for schools.** (Chapter 39, Laws of 1907, amending section 436, Statutes of 1898.) SECTION 436. The board may purchase such books, blanks and stationery as are necessary for keeping a record of the proceedings of meetings, and the accounts of the treasurer and for doing the business of the district in an orderly manner, and such other equipment, including supplementary readers, dictionaries, library catalog cards and card cases, maps, charts, globes, books and school apparatus, heating and ventilating apparatus, as may be approved by the state superintendent or by the county superintendent for the use of schools, not exceeding one hundred dollars in value in any one year, from any funds in the district treasury not otherwise appropriated, and such school books as in their judgment may be necessary for the use of any children attending school in their district whose parents and guardians may not be able to furnish the same. All such purchases shall be approved at a regular meeting of the board at which all members are present. The board shall keep an accurate account of expenses incurred by them under the provisions of this section and present an itemized statement of such purchases to the annual meeting.

It is worth while to emphasize that provision of this chapter which requires that, "All such purchases shall be approved at a regular meeting of said board, at which all the members thereof shall be present." No contract made in violation or neglect of this plain requirement will bind the district, and all questions as to payment of the purchase price

of any school apparatus contracted for without the regular meeting of the board must be settled by the firm or agent and the school officers as individuals. They and not the district assume all responsibilities.

This chapter enlarges the scope of section 436, statutes of 1898, by giving the board specific authority to expend for needed appliances for the school room the sum of \$100, instead of \$75 as heretofore. It is also more specific in its statements of what may be purchased. The question will undoubtedly occur as to what is to be included under the different heads mentioned in this statute. In the matter of supplementary readers, there should be as many copies of the primer as there are pupils in the primer class. The same rule will apply to supplementary first readers, second readers and third readers. There should be one Webster's International Dictionary in good usable condition. This dictionary may be secured from the State Department under the provisions of section 509 of the School Code. There should be at least one Academic Dictionary for every six pupils doing work in the middle and upper forms. One set of at least eight maps in a close, dust-proof roller case; one globe 8 or 10 or 12 inches in diameter, with a suitable case. The cost of the globe and the case should not exceed \$6.00. Entirely satisfactory globes are frequently purchased for less. A good blackboard at least 20 feet long and four feet wide, (slate is always to be preferred) making at least 80 square feet of surface should be provided. In a primary department or a school of one department only, the bottom of this board should not be more than 24 inches from the floor. The school room should be kept furnished with seats and desks in good condition. All desks of the same size should be placed in the same range or row. Single desks are always to be preferred. No. 2 desks will accommodate the largest pupils enrolled in rural schools and No. 5 will accommodate the smallest. Adjustable seats and desks, while somewhat more expensive, and not so strong or durable as stationary desks and seats, will enable the teachers to regulate the height to accommodate the pupils. Care must be taken to place the desks so that the pupils may be able to use them and to take comfortable positions at them without having to lean forward. As a rule the desk should be so placed that a line dropped from the front edge will strike from one to two inches inside the front edge of the seat; or in other words, the front edge of the desk should over-lap or over-reach the front edge of the seat below. If possible the desks should be so placed that the light may come from the rear and left of the pupils. Recitation seats should be provided in number sufficient to accommodate the largest classes.

#### HEATING AND VENTILATING SCHOOL ROOMS.

##### *Hot Air Furnace.*

The matter of properly heating and ventilating the school room is of the utmost importance. The school room should, if possible, be kept at a uniform temperature of 70° F. and should be continually supplied with warmed fresh air while the school is in session. In order that this fresh air may be supplied it is necessary that a fresh air inlet and a foul air outlet shall be constructed of a capacity sufficient to meet the needs of the room. A basement furnace properly installed with a fresh air intake and with a foul air outlet, will heat and ventilate the room and keep the floor comfortably warm at the same time. The fresh air intake provided for any furnace should be at least 14 inches in diameter. The foul air outlet must be larger than the fresh air intake. The chimney built for the outlet must be at least 16x16 or 12x24 inches inside measurement. (Ordinary bricks are 2x4x8 inches in measurement and consequently will not build well into a chimney the dimensions of which are not divisible by 4.) This really means a chimney with the flue large enough to carry off the smoke from the furnace as well as the



foul air from the room. This foul air outlet or chimney must be provided with a suitable register (the "wing" or "window shutter" kind preferred), at least 16x20 inches or 12x28 inches placed on one side of the foul air outlet, the lower end of the register reaching to the floor. This will enable the teacher to control the foul air ventilation. The hot air from the furnace, in order to secure the best ventilation, must be admitted into the room from an opening (a register similar to the register provided for the foul air outlet but somewhat smaller) near the ceiling. This demands that a hot air pipe shall carry the fresh air from the furnace between the walls of the building, or that a suitable chimney extending partly into the room, or that a pipe of proper size built of steel shall be provided. The warm air should be admitted through the register into the room on the same side of the room where the foul air outlet is constructed. This will, if the windows, doors, floor and ceiling are tight, provide for a better distribution of the heated fresh air throughout the room, than can be obtained by placing the hot air register in the floor. If, however, the hot air register is placed in the floor it will be well to have a circular jacket placed over the register and extended up into the room at least five feet. This will direct the hot air current directly towards the top of the room and will prevent the pipe from becoming filled with dust and sweepings from the floor.

#### *The Jacketed Stove.*

A stove of sufficient size and shape, properly jacketed, with suitable provisions for the admission of fresh air and for carrying off the foul air, may be made to meet the requirements of the law as stated in chapter 600, laws of 1907. A careful investigation of various methods for obtaining ventilation by the use of a jacketed stove leads to the conclusion that the following is the only home-made system that the school boards are safe in placing in their schools:

A stove of round-cak type, having a fire-pot 20 inches in diameter for a room 20 by 32 feet and a larger fire-pot for a larger room should be used. This should be placed in the end of the room where the chimney is built. This is important in order to secure a proper distribution of heat and circulation of fresh air. Do not, however, place the heater directly in front of the chimney if it can be avoided. In case it seems desirable or cannot be avoided, the heater must be placed at least eighteen inches from the chimney and that part of the jacket back of the stove should reach to the floor. A fresh air pipe at least 12 inches in diameter should be brought from the outside of the building to a point immediately behind the stove. The opening of this pipe should be opposite the fire-pot and inside the jacket, that is, it should reach or project to a point 4 inches above the bottom of the jacket which is to be placed about the stove. If this fresh air intake opens below the stove through a register it will be found that the cold air will blow out under the heater and the jacket and over the floor and cause the floor to be cold unless the fresh air ventilation is entirely cut off. A jacket should be built to fit around the stove. This should extend at least 6 inches from the heater at all points and should be lined with asbestos paper and corrugated tin. The tin lining is necessary in order to keep the asbestos in its place and from being torn by the pupils. This lining will prevent any direct transmission of heat through the jacket. The jacket should be built with heavy steel rings at the top and bottom and steel frames for the door in order that it may withstand the hard usage in school. It must entirely surround the stove and be provided with one or more doors through which the fuel and ash doors may be reached. The bottom of this jacket should be placed at least 8 inches above the floor on stout straps or steel legs. A tight-fitting damper

should be provided in the fresh air intake near the outer end, so arranged that it may be regulated from the inside of the room according to the wind and weather or may be closed when school is not in session. This "cut-off" or damper may be placed close to the wall inside the room in most cases. This plan provides means for bringing into the room plenty of pure air and also takes care of the heating part of this ventilation system.

An important feature, one which must not be deviated from, is the construction of the smoke chimney and the foul air ventilation. The chimney should be built from the ground up and should be at least 16 inches square inside. The best results will be obtained if this is a double course chimney in order that as much heat as possible may be retained in the ventilation shaft. A stack or pipe 8 inches in diameter made of No. 12 steel should be placed in the center of this chimney. A "T" for receiving the smoke pipe from the stove should pass from this steel stack or pipe through the walls of the chimney at the proper height from the floor to receive the smoke pipe from the stove. The bottom of this steel stack or pipe must be tightly closed and all joints made tight.

The term "double course chimney" must not be misunderstood to mean a double-flue chimney. The chimney should consist of a single flue only. Neither must it be understood that the eight-inch stack or pipe made of No. 12 steel must reach to the bottom of the chimney. If it extends just below the point where the "T" projects, that will be all sufficient. No. 12 galvanized steel is heavy and hard to work and is suggested simply because of its durability. A much lighter grade of galvanized iron or steel can be used. It will not, however, be so durable. If No. 22 were used, while it can be easily worked by your local tin smith, it would probably last for a few years only. It can, however, be easily replaced. A "double course chimney" is one of double thickness or built of two courses of brick. The chimney should go out through the peak of the roof and stand at least 4 feet above the peak and the steel stack or pipe within the chimney should be placed a foot higher than the chimney itself. A wing register 16 by 20 inches should be placed in the bottom of this large chimney, the lower edge of the register placed even with the floor line. The idea is that the foul air will pass out through the space surrounding the steel stack or pipe inside the chimney and a good upward draft will be maintained, especially in the winter time, because of the heat transmitted through the steel stack or pipe.

This system has been quite thoroughly tested and is recommended as having proved satisfactory.

#### DEMAND GUARANTEE.

The board members should be constantly on their guard against cheap and unsatisfactory ventilating apparatus recommended by persons not regularly engaged in the business of supplying such appliances. The home-made appliances devised by local dealers cannot be safely relied upon. If home-made appliances are to be used the plan above described should be strictly followed. There are several patented systems on the market that have proved satisfactory and may be purchased outright from the dealers or firms by district boards if they so prefer. Any one of these systems will be installed by the company furnishing it and will also be fully guaranteed. Under no circumstances should any patented heating and ventilating system be installed by any agent or company unless the chimney is at least 12 inches square inside measurement, or the equivalent; that is, 144 inches in area. The foul air pipe must also be 12 inches in diameter. It is practically useless to pay out money for the installment of any kind of heating and ventilating apparatus unless

the arrangements and appliances for its successful operation are provided. Salesmen and even principals of firms selling such apparatus may insist that their especial system will perform the work and meet all requirements with almost any kind or size of chimney. It must be remembered, however, that these people are business people and that it is one part of their business to sell their systems, and while it is not my disposition or purpose to in any way interfere or hinder such people in their legitimate plans, I nevertheless deem it my duty to insist that any system of heating and ventilation shall be properly installed and that school districts and school district officers shall be protected and the comfort of the children shall be secured, rather than otherwise. The instructions given here are the result of experience, careful study and investigation as well as consultation with persons skilled in matters pertaining to school room sanitation. Do not neglect to demand and secure a strong, clearly worded guarantee from any firm that installs a plant in your school building. The county superintendent can doubtless give the school boards necessary information concerning the cost of installing any one of these systems and also give the address of the company by whom it is furnished. School boards must keep in mind, however, that a cheap sheet-iron fence or shield around an ordinary stove, with a fresh air register under the stove and a ventilating pipe stuck into the side of the chimney, will not be considered as a "system of ventilation and heat distribution" within the meaning of these terms as used in the statutes and as interpreted by this department. Under no conditions will any system ventilate the school room properly if any considerable quantity of outdoor air is permitted to enter the room through windows and doors, through cracks in the floor, openings under the baseboard or openings in the ceiling. A ceiling made with a thin coat of plaster or a ceiling that is full of cracks and openings will interfere seriously with the perfect working of any ventilating system because it allows the heated fresh air to escape from the room into the attic without resulting in any benefit whatever to the pupils. Tight walls and ceilings, tight floors, close fitting doors and windows are as essential to the successful working of a heating and ventilating plant as are the fresh air inlets, the foul air outlets, the jacketed stove or furnace or a patented system.

#### CARE OF SCHOOLHOUSE, FURNITURE, OUTBUILDINGS.

The walls of the school room should be kept clean at all times and provisions should be made for cleaning the floor and woodwork every month. During cold weather the air should under no circumstances be allowed to circulate under the school room floor.

The foundation wall or underpinning of the school building should be made and kept air-tight during the winter. Windows should be properly curtained and supplied with conveniences that will permit the teacher to regulate the amount of light admitted to the school room. Curtains fastened to spring rollers and fixed in an easily movable frame that can be attached to an ordinary window will be more satisfactory than curtains fixed to spring rollers attached to the bottom part of the window rather than the top, but curtains with rollers fixed at the lower part of the window are more satisfactory than those with rollers fixed at the top. The light from the upper part of the window is the most satisfactory for all school room purposes.

A good substantial card catalogue case with a sufficient number of cards for cataloguing the school library books should be furnished. The books must be properly catalogued and a suitable case provided in which to keep them. Both cases should be dust proof and the library case provided with a lock and key.

The school building should be kept in good condition and free from unsanitary features. At least two suitable and convenient outhouses

placed at least thirty feet apart and separated from each other by a tight board fence at least seven feet high, must be provided and kept in clean and wholesome condition. Chapter 232, laws of 1907, provides that if the electors of the district fail to vote for a sum sufficient to enable the board to meet the requirements of said chapter, it shall be the duty of the district board before the third Monday of November to meet and determine the amount needed to provide and maintain the outhouses and board walks as required, and the clerk must certify to the town clerk the amount so determined. The town clerk must then place said amount in the tax roll to be levied and collected as other school taxes are levied and collected. This is mandatory upon school boards.

In addition to the above, chapter 600 requires that the teaching shall be "efficient." In order that the teaching work may be considered efficient it is essential that good order shall have been maintained in the school; that the teacher shall have been competent, faithful and progressive in her work. The district must have maintained what will be considered by the county superintendent and by intelligent patrons as a good school in every essential particular.

*A school maintained, furnished and provided as set forth in the law and as interpreted in this circular shall be entitled to receive special aid to the amount of \$50 annually for three years.*

The annual report made by the district clerk under the requirements of section 462, and a special report of the county superintendent for the year ending June 30, must be the basis for making the special or merited apportionment.

**School Boards—To erect out-buildings.** (Chapter 232, Laws of 1907, creating section 435a.) SECTION 435a. It shall be the duty of each school district board, or in towns under the township system, the town board of school directors, to provide at least two suitable and convenient outhouses or water-closets for each of the school houses under its control. Said outhouses or water-closets shall be entirely separated each from the other and shall have separate means of access. The boys' outhouse shall be provided with suitable urinals. Said outhouses and said water-closets if detached from the school house, shall be placed at least thirty feet apart and separated by a substantial close fence not less than seven feet in height, and where placed on opposite sides of the school grounds shall be suitably screened from view. The board of education shall have said outhouses and water-closets kept in a clean and wholesome condition. If the electors of the district or town shall at the annual meeting fail to vote a tax of sufficient amount to enable the board to comply with the provisions of this section, it shall be the duty of the district board or the town board of school directors, prior to the third Monday of the November following, to determine the sum necessary to be raised to carry out the provisions of this section, and the clerk or secretary shall forthwith certify to the town clerk the amount so fixed, who shall assess this amount as school district taxes are

assessed, and such amount shall be assessed, levied and collected at the same time and in the same manner as other taxes for school purposes.

This is an important statute. School boards should not delay in complying with its requirements. It is compulsory and is intended to remedy conditions that are a disgrace to too many districts and which should not be permitted to continue a day after school opens. Read this chapter, call a board meeting, read the chapter to your fellow members on the board and make arrangements to comply with its provisions at once. The health and moral welfare of children demand immediate action at your hands and under the demands of this law.

**Flags.** SECTION 436a. Every board of education or district board shall purchase at the expense of the city, town, village or district to which it belongs and display in each school-room or from a flag-staff on each school-house or on the grounds thereof a flag of the United States, and purchase in like manner whatever may be needed for the display or preservation of the flag.

The above section is compulsory. When a flag is purchased, the district board should make some provision for properly caring for it. If left exposed to the weather it will be quickly destroyed. The teacher should exercise the same control over it that it is his duty to exercise in regard to other district property placed in his care during the school term, and the district clerk should care for it during vacations.

**Deficiency in tax.** SECTION 437. If any district, at its annual or at a subsequent special meeting prior to the third Monday of November following, shall not vote a tax sufficient to maintain a school for the term of six [eight] months during the ensuing year, the board, on or before the Wednesday next following said third Monday of November, shall determine the sum necessary to be raised to maintain such school, and the clerk shall forthwith certify to the town clerk the amount so fixed, who shall assess the same as other district taxes are assessed; and all school money received from the school fund income shall be applied exclusively to the payment of teachers' wages.

While the law has restrained districts on the one hand, from voting excessive taxes, it has also provided a security against the parsimony or negligence that would sometimes fail to open schools at all, or that would open them for an insufficient period. Eight months' school in each year is the smallest amount that entitles a district to share in the income of the school fund. The district board is charged with the duty of making this provision, if it is not done by the district. The neglect on the part of the board to do this is punishable by fine, or removal from office. See sections 507, 4549 and 4550.

**Contract with teacher.** SECTION 438. The board shall contract with qualified teachers, specify in the contract the

wages per week, month or year to be paid, and when completed file the contract, with a copy of the certificate of the teacher so employed attached thereto, with the clerk. No contract with any person not holding a diploma or certificate authorizing him to teach shall be valid; and all such contracts shall terminate if the authority to teach expire by limitation and be not renewed or be revoked.

See Form No. 21.

The duty here devolving upon the district board, like any other act performed by it, must be preceded by a regular meeting, as provided for in section 432. The district board has no authority whatever for paying money from the district treasury for the services of a teacher who has not been hired strictly in accord with statutory direction. See section 432 and the comments thereon. Though failure to comply with the law, district officers render themselves and their district liable to serious pecuniary loss.

Two of the board may be in favor of hiring a certain teacher, and may think that because they are a majority there is no need of a meeting to consider the subject. But each member of the board has an equal right to be heard. Two of the board have no right to assume that the other member may not be able to give good reasons for hiring some other person than their candidate. Common courtesy as well as the law requires a meeting for deliberation.

In negotiating for a teacher, the board should first of all ascertain that the person is legally "qualified." The only legal evidence of this is an unexpired certificate from the proper superintendent. If the county be divided into two superintendent districts, the certificate must be from the superintendent of that division of the county in which the school is to be taught. In case of a joint district not wholly within the jurisdiction of one superintendent, the certificate must be from the superintendent within whose jurisdiction the schoolhouse is situated. A certificate has no validity or force beyond the county or jurisdiction within which it is given, although "indorsed" by some other superintendent.

The contract is of no force unless signed by at least two members of the board. It is better that it be signed by all.

There is no authority for making a contract whereby the teacher engages to board with the parents of the children.

The employment of any member of the district board to teach the school is not strictly forbidden by statute; nevertheless, it must be considered illegal, because against public policy; and a contract by a majority of the board with one of their own number, could not be enforced. 25 Wis., 551.

The binding character upon the district or upon the in-coming board, of contracts with teachers to extend beyond the close of the school year has been settled by the courts. 16 Wis., 336; 118 Wis., 294.

The selection of the teacher and the amount of his compensation are committed to the discretion of the board. The board may respect the expressed wish of the inhabitants, but the duty and responsibility of action in these matters remains with it.

The teacher's security lies, first, in securing legal qualification to teach; second, in securing a legal contract. A verbal agreement may be incapable of proof, and may be broken.

A teacher holding a legal contract may be dismissed for cause, during its continuance, but the burden of proof always rests with the party that terminates a legal contract.

A teacher prevented from rendering full service by the destruction of

the schoolhouse, or by the suspension of the school by order of the board, on account of the prevalence of a contagious disease, if ready at all times to render the service for which he contracted, may recover full compensation. 50 Vt., 30; 43 Mich., 480.

A minor possessing the qualifications may, with the assent of his father, contract with a board to teach school. The law seems to contemplate that the contract shall be made with the teacher, not the father. If no agreement is made by the father to relinquish the minor's wages he may maintain an action against the board for them: *Mona-ghan v. School District*, 38 Wis., 100.

**Rules—Expulsion of pupils.** SECTION 439. The board may make all rules needful for the government of the school, such rules to take effect when a copy of the same, signed by a majority of the board, is filed with the clerk; may suspend any pupil from school for non-compliance with the rules made by themselves or by the teacher with their consent; may expel any pupil whenever, upon due examination, they find him guilty of persistent refusal or neglect to obey the rules of the school and become satisfied that the interests of the school demand his expulsion; and may admit free of tuition any person between twenty and thirty years of age residing in the district to any school under their control when in their judgment it will not interfere with the pupils of school age.

The board has power to make all needful rules and regulations for the organization, gradation and government of the school, and to suspend any pupil for non-compliance with reasonable rules established by it, or by the teacher with its consent. 25 Wis., 59; 45 Wis., 150. But in matters of this kind the board will, in the main, be guided by the advice of the teacher. While the teacher is subordinate to, and must execute the orders of the board, he is responsible for the conduct, discipline and progress of his pupils, and should, generally, be allowed to decide as to the means and methods of discharging this responsibility. Rules adopted, or approved by the board, should be recorded in its minutes.

While there is no doubt as to the authority of the board to expel a pupil for continued insubordination or gross immorality, humanity demands that all other remedies should be exhausted before resorting to this extreme measure. It is the province of the schools to make good men and good women from such material as is furnished by the several communities. The efficiency of the schools is commensurate with their power to incite the love of right things.

It becomes the duty of a school board to expel a pupil whenever it is convinced that his continuance in school will result in its demoralization, or in the contamination of his fellows; but the proof on which the conviction rests should be clear. It should be remembered that the object of school discipline is to reform and restore. If the board neglects to make rules for the government of the school, the authority of the teacher to enforce obedience to reasonable requirements is unquestionable.

The teacher may quell insubordination by corporal punishment or by suspension. But these are extreme remedies, and are justifiable only where other means fail, or are plainly inadequate.

Courts have uniformly sustained the authority of school boards to make and enforce rules requiring pupils to bring written excuses for absence and tardiness under penalty of suspension.

All rules must be reasonable, and capable of enforcement in a reasonable manner. If a school board should authorize suspension for absence occasioned by a violent storm, by the illness of the child, or by illness or death in his family, the rule would be unreasonable and therefore illegal.

Barring schoolhouse doors against tardy children in cold or stormy weather would be cruel, and would not be sustained.

Not unfrequently there is a disposition to question the teacher's right to enforce his authority by the infliction of corporal punishment. It should be borne in mind that the teacher who contracts to manage a public school undertakes to do something more than merely to prescribe lessons and hear recitations. He assumes to govern the school, to maintain quiet and order in and about the schoolhouse, and to compel such conduct on the part of the pupils as shall best conduce to their own welfare and that of the school as a whole. This authority would be nugatory if the teacher were not armed with some coercive power. Accordingly, the supreme courts of nearly every state in the union have held, with singular unanimity, to the determination that the teacher has the right, in the execution of his duty, to inflict corporal punishment. Our own supreme court, in 45 Wis., p. 150, held that, "A teacher is responsible for the discipline of his school, and for the progress, conduct and deportment of his pupils. It is his imperative duty to maintain good order and to require of his pupils a faithful performance of their duties. If he fails to do so, he is unfit for his position. To enable him to discharge these duties effectually, he must necessarily have the power to enforce prompt obedience to his lawful commands. For this reason the law gives him power, in proper cases, to inflict corporal punishment upon refractory pupils." The courts have held as uniformly that the teacher was liable for the castigation of his pupils only when the punishment was unreasonable, or was inflicted from malicious motives. It has also been held that the teacher is the best judge of both of the need and the measure of punishment. There are many circumstances tending to determine the guilt of the pupil which cannot be set up in evidence,—such as the manner of the pupil, his tone of voice and general conduct. Still, the infliction of physical pain has little educational value, and a wise teacher will seldom resort to this method of securing obedience.

**Relating to attendance at school**—(Chapter 446, Laws of 1907, amending sections 439a and 439b, Statutes of 1898, as amended by chapter 189, Laws of 1903 and creating three new sections.) SECTION 439a. Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, as provided by chapter 349 of the laws of 1903, shall cause such child to be enrolled in and to attend some public, parochial or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (reli-



gious holidays excepted) that the public, parochial or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this act shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word "term," for the purposes of this act, shall be construed to mean the entire time that school is maintained during the school year); provided that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the school house in the district where such child resides; provided that if transportation is furnished by the district this exemption as to distance shall not apply, nor shall this section apply to any child who shall have completed the course of study for the common schools of this state or the first eight grades of work as taught in state graded or other graded schools of Wisconsin, and can furnish the proper diploma, certificate, or credential showing that he has completed one of said courses of study, or its equivalent. Instruction during the required period elsewhere than at school, by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to children of like ages in the public, parochial or private school where such children reside. Any person who shall violate the provisions of this section shall upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court, for each offense. It shall be the duty of the district attorney and his assistants to prosecute in the name of the state all violations of the provisions of this section. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or to work, and he shall be there-

upon discharged from liability, and such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceedings under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed in court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child or first school enrollment to be found shall be admissible as evidence thereof.

Section 439b. In all cities of the first class the board of education or any board having similar powers, shall appoint \* \* \* ten or more truant officers and in all other cities having more than 2,000 population by the last United States or state census, such board shall appoint one or more truant officers whose duty it shall be to see that the provisions of this \* \* \* act are enforced and when of his personal knowledge, or by report or complaint from any resident of the city, or by report or complaint as provided herein, a truant officer believes that any child is unlawfully and habitually absent from school and not otherwise receiving instruction as provided in section 439a as amended, he shall immediately investigate and render all service in his power, to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over 14 and under 16 years of age, to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice, as required in section 4 of this act and proceed as hereinafter provided against the person having charge of such child. And in all cities having less than 2,000 population by such census, and in all towns and villages the sheriff of the county, his under-sheriff, and deputies shall be the truant officers, and it shall be the duty of all truant officers named in this section to enforce the provisions of this act as provided herein.

Section 439cb. It shall be the duty of the school clerk of every school district, the clerks of boards of education and the clerks of sub-districts, or other officers whose duty it is to take the school census under the law, at the time of taking the school census of their respective districts, cities, or subdis-

tricts, to make out three copies of such census reports, on blanks to be furnished by the state superintendent, and send one of such copies by mail or otherwise to the proper superintendent on or before the fifteenth day of July each year and at the time of the opening of school in his district, he shall deliver with the register, a copy of such census report to the teacher employed in said district, and if the school consists of two or more departments the copy shall be placed in the hands of the principal. In case the district includes within its boundaries, territory lying in two or more counties it shall be the duty of the clerk of such district to make out separate copies of the census reports for each part of said joint district, and forward the same to the proper superintendents; provided that in all cities having a population of 2,000 or more the clerk of the board of education or other officer, whose duty it is to take the school census shall not be required to furnish copies of the census returns to the county superintendent, city superintendent or teachers. Said clerks of boards of education and other officers who shall have the care and custody of the school census returns, shall have their offices open at all reasonable hours, and allow and assist superintendents, teachers, and truant officers to examine and secure information from the school census reports on file in their offices, that may, in any way, aid in the enforcement of the provisions of this act. All teachers in public schools except teachers in high schools, shall at the request of the proper superintendent, while school is in session report to him. Said report shall show the name of the school and its location, the name and address of the teacher, the number of months school is maintained during the year, the date of opening and closing of the school, the names and ages of all children enrolled in their respective schools between the ages of seven and fourteen and fourteen and sixteen, the names and postoffice addresses of the parents or other persons having control of such children, the number of the district and the name of the town, city, village and county in which said children reside, the distance such child or children reside from the school house in the district in which they live by the nearest traveled road, the number of days each such child was present and the number of days such child was absent during each month and such other reports requested by him, said reports to be made on blanks to be furnished by the county, district or state superintendent. It shall be the duty of every school clerk, or the clerk of the board of education to deliver to the teachers in the public schools a

sufficient number of blanks as described above, to supply said teachers for one school year; provided that when there shall be enrolled and in attendance at parochial or private schools, children residing in a county or counties other than the one in which the school house is located, the teachers in such parochial or private schools may make the reports hereinbefore described to the county, district or city superintendent of the county, or the city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending, reside; provided further that in districts that include within their boundaries territory lying in two or more counties, or districts joint with cities having separate superintendents, it shall be the duty of the public school teachers in such joint districts to make separate reports as provided herein to the county, district or city superintendent of the county or city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending reside; and provided that the teachers in cities of 2,000 population or more shall not be required to make the report provided herein, except when called upon to do so by the proper county or city superintendent. All teachers of private and parochial schools shall keep a record embodying all the data enumerated in this section, and such record shall be open to the inspection of all truant officers specified in this act, at any and all reasonable times; and provided that when called upon by any truant officer, or superintendent, the teachers in private or parochial schools may furnish in writing on blanks furnished by the truant officer or superintendent the above mentioned data in regard to any child or children between the ages of seven and fourteen and fourteen and sixteen who claim, or who are claimed to be in attendance upon said school; and every teacher in a public school shall, and every teacher in a private or parochial school may promptly notify the proper truant officer of any child whose attendance is habitually irregular; provided such irregularity is not excused by any provision of this act. Any officer or teacher in a public school who shall fail or neglect to make the reports required by this section as required, or any teacher in a private or parochial school who shall fail to keep a record as required in this section shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such failure or neglect, said forfeiture to be sued for by any voter of the district where such officer resides, or where such teacher is employed, and recovered in the same manner other forfeitures are sued for and recovered under the

Wisconsin statutes; one-half of the amount of the forfeiture to be paid to the voter bringing the action and the other half to be paid into the school district treasury of the district where such offender resides.

Section 439cc. It shall be the duty of the county, district and city superintendents upon receiving the reports and information as provided in the preceding sections, to compare carefully the reports of attendance and enrollment with the reports of the last school census on file in his office and ascertain therefrom the names of all children who are not complying with the provisions of this law, and it shall be the duty of such superintendents to report the names of such children together with the names and addresses of the parents or those having control of such children to the proper truant officer of the county, district or city. The truant officer shall immediately upon receipt of such report, or when he obtains information of delinquencies, notify by registered mail, or by service of notice in the same manner as provided for the service of summons in a civil case in a justice court, the parent or the person having control of such child or children, cause such child or children to be sent to some public, parochial, or private school within five days from the date notice is deposited, properly addressed in the post office, if notice is served by registered mail, or five days from the date of the personal service of said notice. The notice shall inform the parent or other person in parental relation that the law requires that all children between the ages of seven and fourteen and between the ages of fourteen and sixteen if not regularly employed as provided by chapter 349, laws of 1903, are to be in regular attendance at some school as provided in section 439a. It shall be the duty of all truant officers, after having given the notice hereinbefore described, to determine whether the parent or other person in parental relation has complied with the notice, and in case of failure to so comply he shall immediately and within three days after having knowledge of or having been notified thereof, make complaint against said parent or persons in parental relation having the legal charge and control of such child or children, before any justice of the peace in the county, where such party resides; provided that in counties where the criminal jurisdiction of the justice of the peace has been abolished the court or courts now having such power, shall have jurisdiction in cases brought under the provisions of this act; for such refusal or neglect to send such child or children to some school as provided

herein; and said justice of the peace or other court shall issue a warrant on said complaint and shall proceed to hear and determine the same, in the same manner as provided by statute for other criminal cases under his jurisdiction. All truant officers or other officers having the power of truant officers shall have the power to apprehend without warrant, any child or children found violating the provisions of this act, and cause such child or children to be placed in some public, parochial or private school. It shall be the duty of all school officers, superintendents, teachers or other persons to render such assistance and furnish such information as they may have at their command, to aid truant officers in the performance of their duties.

Section 439ed. Truant officers in cities of 2,000 population or more shall receive such compensation as shall be fixed by the boards of education of such cities or boards having similar powers. When the sheriff, under-sheriff, and his deputies are acting as truant officers as provided herein, they shall be paid the same fees as provided for such officers in criminal actions brought under the laws of this state, and in counties where the sheriff and deputies are paid an annual salary no extra compensation shall be allowed.

By this chapter children between seven and fourteen years of age who are not incapacitated for attending some public, parochial or private school are required to attend some such school for at least eight months—32 weeks—if they reside in cities, and for six months—24 weeks—if they reside in village or country districts. It appears that the legislature saw fit to add one month to the compulsory attendance period in the latter instance, owing to the fact that the minimum yearly term during which school may now be maintained is eight months. The chapter provides for appointment of truant officers in cities of two thousand or more population. In towns and villages the duty of enforcing the law is placed upon the sheriff of the county and his deputies. It appears that this law is not only educational in its provisions but is also largely for the purpose of re-enforcing and strengthening the child labor laws of the state and making the latter more easily enforceable by the factory inspectors and other officers employed under the direction of the state bureau of labor and statistics and while the factory inspectors are not specifically referred to in this chapter as they were in the former law as officers whose duty it was to enforce the truant law and the compulsory attendance law, nevertheless such inspectors are still state truant officers and their authority to act under this statute and compel compliance therewith has not been affected by this enactment.

**Child Labor Law**—(Chapter 338, Laws of 1909 amending chapter 274, Laws of 1899 as amended by chapter 182, Laws of 1901, chapter 349, Laws of 1903 and chapter 523, Laws of 1907.) SECTION 1728a. 1. No child between the ages of fourteen and sixteen years shall be employed at any time in any

factory or workshop, bowling alley, or in or about any mine, store, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service, or at any gainful occupation, directly or indirectly, unless there is first obtained from the commissioner of labor, state factory inspector, any assistant factory inspector, or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit upon a written and signed recommendation of the school principal where such child attended school, or where there is no such principal, then by the clerk of the board of education in the district where the child resides, authorizing the employment of such child within such time or times as the said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court \* \* \* may fix, providing that no officer herein mentioned shall have power to delegate the duty of granting permits to any subordinate officer or other person and provided further that such permit shall not be granted to any child who is unable to read and write simple sentences in the English language or the language of his native country.

2. No child under the age of sixteen years shall be employed in adjusting any belt or in oiling or assisting in oiling, wiping or cleaning any machinery when the same is in motion or in operating or assisting in operating any circular or band saw, wood-shaper, wood-jointer, planer, sandpaper, or wood-polishing machine, picker machine or machines used in picking wool, cotton, hair or any upholstering material, paper-lacing machine, leather burnishing machine, dough-brakes or cracker machinery, of any description, laundry machinery, emery or polishing wheel for polishing metal or wood turning machine or stamping machine in sheet metal and tinware manufacturing, stamping machine in washer and nut factories, stamping machine in lace, paper and leather manufacturing, corrugating rolls in roofing factories, burnishing machines in any tannery or leather manufactory, wire or iron straightening machinery, rolling mill machinery, punchers or shears or washing, grinding or mixing mill or calender rolls in rubber manufacturing, nor shall any such child be employed at or assist in sewing belts in any capacity, or in the manufacture of paints, colors or white lead, or in the manufacture of any composition in which dangerous or poisonous acids are used, or in the manufacture of any goods for immoral purposes nor any tobacco warehouse, cigar or other factory where tobacco

is manufactured or prepared or in any place where intoxicating liquors are made, given away or sold, or in any theater or concert hall, or in operating any passenger or freight elevator, steam boiler or steam generating apparatus, or in any other employment dangerous to life or limb, injurious to the health or depraving of the morals of such child; nor shall any female child under sixteen years of age be employed in any capacity where such employment compels her to remain standing constantly.

3. No child under the age of fourteen years shall be employed in any factory, workshop, bowling alley or in or about any mine.

4. No child under the age of fourteen years shall be employed, required or suffered to work for wages at any gainful occupation at any time except that during the vacation of the public or other school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, hotel, mercantile establishment, telegraph, telephone or public messenger service in the town district or city where it resides and not elsewhere, provided that there is first obtained from the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or from the judge of a juvenile court \* \* \* where such child resides, a written permit authorizing the employment of such child during the regular school vacation only, but no such child shall be prohibited by this act from being employed at farming \* \* \*.

5. The said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court \* \* \* shall keep a record, stating the name, date and place of birth and place of school attended by any such child, and the county judge, municipal judge or \* \* \* judge of a juvenile court \* \* \* shall report when so requested by the commissioner of labor or state factory inspector, the number of permits issued by him from time to time as hereinbefore provided.

6. When the commissioner of labor, state factory inspector, any assistant factory inspector, county judge municipal judge or judge of a juvenile court \* \* \* has reason to doubt the age of any child who applies for such permit, the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court \* \* \* shall demand proof of such child's age, by the production of a verified baptismal certificate or a duly



attested birth certificate, or in case such certificates cannot be secured, by the record of age stated in the first school of enrollment of such child, and if such proof does not exist or cannot be secured then by the production of such other proof as may be satisfactory to said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court \* \* \* and no permit shall be issued unless proof of such child's age is filed with the said commissioner of labor, state factory inspector, county judge, municipal judge or judge of a juvenile court \* \* \* Whenever it appears that a permit has been obtained by a wrong or false statement as to any child's age, the commissioner, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court \* \* \* of the county where such child resides shall revoke such permit.

Section 1728a—1. No child under fourteen years of age shall be employed, required, suffered or permitted to play on any musical instrument, or to sing or perform in a circus, theatrical exhibition or in any public place \* \* \* except upon the special permission of the commissioner of labor, state factory inspector \* \* \* an assistant factory inspector, county judge, municipal judge or \* \* \* the judge of a juvenile court where the child resides, if such child is a resident of this state, and by a county judge, municipal judge or judge of a juvenile court of this state if such child is not a resident of the state. \* \* \* But the provisions of this section shall not prevent the education of children in \* \* \* music or their employment as musicians in a church, chapel, school or school exhibitions or prevent their taking part in any festival, concert or musical exhibition.

Section 1728b. 1. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mine, factory or workshop, bowling alley, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this state to keep a register in the place where such a minor is employed and subject at all times to the inspection of any factory inspector, or assistant factory inspector, or truant officer, in which register shall be recorded the name, age, date of birth and place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years.

2. It shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ,

permit or suffer to work in any mine, mercantile establishment, factory or workshop, bowling alley, store, office, hotel, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age unless there is first provided and placed on file in such mine, mercantile establishment, factory or workshop, bowling alley, store, office, hotel, laundry, telegraph, telephone or public messenger service, a permit granted by either the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court \* \* \* of the county where such child resides.

Section 1728c. No child under the age of sixteen years shall be employed, required, permitted or suffered to work for wages at any gainful occupation longer than fifty-five hours in any one week nor more than ten hours in any one day, nor more than six days in one week, nor after the hour of six at night nor before the hour of seven in the morning, \* \* \* provided, that this section shall not apply to children \* \* \* between the ages of twelve and sixteen years carrying newspapers between the hours of three thirty o'clock and seven o'clock in the afternoon and to children between the ages of fourteen and sixteen years carrying newspapers between the hours of four thirty o'clock and seven o'clock in the morning, and who comply with all the legal requirements concerning school attendance, and provided \* \* \* that this section shall not apply to children between the ages of fourteen and sixteen working in any store, between the hours of seven in the morning and nine in the afternoon, but no such child shall be employed in any store for a longer period than ten hours in any one day, nor more than six days in any one week, or a total of fifty-five hours during each week.

SECTION 1728d. It shall be the duty of the commissioner of labor, the factory inspector or any assistant factory inspectors to enforce all the provisions of the statutes regulating or relative to child labor, \* \* \* and to prosecute violations of the same before any court of competent jurisdiction in this state. It shall be the duty of the said commissioner of labor, or the factory inspector or assistant factory inspectors, or truant officers, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act. The factory inspector and assistant inspectors shall have the power of truant officers to enforce all legal requirements relating to school attendance.

SECTION 1728e. The commissioner of labor, the factory inspector or assistant factory inspectors may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they may be employed.

SECTION 1728f. No person, firm or corporation shall employ or permit any child under sixteen years of age to have the care, custody, management or operation of any elevator.

SECTION 1728g. The words "manufacturing establishment," "factory" or "workshop" as used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned, or assorted, stored or packed, in whole or in part, for sale or for wages.

\* \* \*

SECTION 1728h. 1. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself or through agents, servants, or foremen, shall violate or fail to comply with any of the provisions of this act, or shall hinder or delay the commissioner of labor, the factory inspector or assistant factory inspectors or truant officers, or any or either of them in the performance of their duty, or refuse to admit or shut or lock them out from any place required to be inspected by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail not longer than thirty days.

2. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the \* \* \* provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any court of competent jurisdiction.

SECTION 1728i. Any parent or guardian, who suffers or permits a child to be employed, at any gainful occupation directly or indirectly, or suffered or permitted to work in violation of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, or by imprisonment in the county jail not longer than thirty days.

While this act does not relate specifically to schools and school work, its relationship to the control and management of children of school age throughout the state makes it an all important law, the provisions of which should be known to all citizens.

## TEXT-BOOKS.

**Choice and change of text-books.** SECTION 440 (as amended by Chapter 443, Laws of 1905). The board shall determine what text-books shall be used in the school, make a list of such books, file a copy thereof with the clerk and keep a copy of such list posted in the school house. When text books shall have been so adopted they shall not be changed for the period of three years.

The above chapter places the power to change text books in the hands of the district boards. This power can be exercised at a regular board meeting only. See section 432. Changes can be made no more frequently than once in three years. For penalty see sections 440b, 4549 and 4550. The free text book system can only be adopted by the electors at the annual meeting. After adoption no change of books can be made for three years.

Experience has very clearly shown that the plan of furnishing text-books free to pupils in districts and cities is more satisfactory and much less expensive to the district or city as a whole than any other plan so far devised and provided for by law. It enables school boards to furnish each pupil in the district with necessary and suitable books of the best kind at once upon entering school and at a cost to the district of from one-third to one-half of what is usually paid out by parents during the school life of their children. It is found in many cases that the first cost of introducing the free text-book system is the greatest objection to the plan.

This may be overcome by the gradual introduction of the system. For instance, if the electors of the school district should at the annual meeting vote to adopt free text-books, and the directions to the district board were to furnish readers, language books, and grammars only for the coming year, the expense would be slight. Next year the electors might extend the system by authorizing the board to procure geographies, spellers, and arithmetics and other needed books might be provided for later. The books are handled under this system by the school district board, and they are placed directly in the charge of the district clerk when the school is not in session. It is his duty to see that they are placed in the schoolhouse at the beginning of each term and he should keep in connection with the other district record required by law, a complete record of all books purchased by the board, furnished to the teacher by him, and received from the teacher at the close of the year or each term. The teacher should take charge of issuing the books to the pupils, and should keep a record of all books so issued, a record of their return by the pupils, and make some note as to the condition of the books when received. If properly cared for, the books should be serviceable for from five to six years, and after the first adoption the district will only be under the necessity of making provision to supply books that have been worn out or lost. If books are carelessly handled or destroyed by the pupils, the pupils or their parents should be held to account for the amount of the loss.

**Same in cities.** SECTION 440a. The board of education in any city shall determine what text-books shall be used in its schools, make a list of such books, file a copy with their clerk

or secretary and keep a copy posted in each school building. When text-books shall have been so adopted, except in a city which furnishes free text-books to the pupils in its public schools, they shall not be changed for three years. In any city where the district system is not in force the board of education may, under the limitations of this section, order changes in text-books as aforesaid. Such changes, except as to free text-books as aforesaid, shall be approved by the city council; and the board of education may purchase text-books for use in its schools, and loan or furnish them to pupils under such conditions or regulations as they may prescribe. But no text-books which would have a tendency to inculcate sectarian ideas shall be used in any public school.

**Penalty.** SECTION 440*b*. Every member of the district board or of a board of education, when a list of text-books has been adopted according to law, who shall, within three years from the date of such adoption, order a change of text-books in his district or city shall forfeit the sum of fifty dollars.

It is always safe to presume, when there is considerable uniformity of books in use, that a list has been adopted at some time, although no list can be found in the file of the clerk, or posted in the school room.

In regard to a meeting of the board, the only safe plan is to call and hold a meeting as provided in section 432, before acting upon any important matter like that of changing or adopting text-books, hiring teachers, etc., etc., and the attention of school officers is particularly called to the fact that the *electors* at a school meeting have no authority to change text-books; also that there is no authority for making contracts with publishing houses for a specified time.

In making a choice of text-books boards will do well to call to their aid the teacher and those best acquainted with the actual needs of the school. Such persons will be the best judges of the adaptation of the books to the needs of the school.

**Board to visit school.** SECTION 441. The board shall visit the school, examine into its condition, advise with the teacher in regard to the instruction, government and progress of the pupils, and exercise such general supervision as may be necessary to carry out the provisions of this chapter.

**Insurance.** SECTION 441*a*. Any district board or board of education may insure the school property, and, if necessary, execute a note for the premiums.

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See Chapter 373, page 275 of this code.

## SCHOOL OFFICERS—SPECIAL DUTIES.

## DIRECTOR.

**His duties.** SECTION 442. It shall be the duty of the director of each district

1. To countersign all orders legally drawn by the clerk upon the treasurer of the district.

2. To appear for and on behalf of the district in all actions brought by and against it, when no other direction shall have been lawfully given at a district meeting.

3. To cause an action to be prosecuted in the name of the district on the treasurer's bond in case of any breach of any condition thereof, and to apply all money when collected to the use of the district as the same should have been applied by the treasurer.

The words "legally drawn," in the first clause of this section, make it the duty of the director to ascertain that orders on the district treasury have been drawn in accordance with law, before affixing his signature thereto.

By the provisions of subdivision 17, of section 430, the district has power, at any meeting duly called, to give such direction and make such provision, as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or interested; and unless some other person is designated to perform the duty, the director is required to bring suit and carry out the will of the meeting.

In case of a breach of the treasurer's bond it is the duty of the director to commence proceedings to protect the interests of the district at once, without waiting for the action of a district meeting. He may also bring suit for an injury to a schoolhouse without direction from the electors. 21 Wis., 657.

If an action is commenced against the district, the director must appear in behalf of the district, without waiting for authority from a district meeting. The district may, however, designate some other person to act as its representative in the defense.

## TREASURER.

**Bond.** SECTION 443. The treasurer shall, within ten days after his election or appointment, execute to the district and file with the clerk a bond, in double the amount, as nearly as can be ascertained, of all the money of the district to come into his hands, with sufficient sureties conditioned for the faithful discharge of his duty and approved by the director and clerk. He shall hold office until his successor be elected or appointed and qualified as herein provided. Whenever the director and clerk shall deem the bond of the treasurer insuffi-

cient they shall demand an additional bond in such sum as they shall fix, conditioned, approved and filed in the manner aforesaid, within ten days after such demand. The neglect or refusal to file such bond in either case shall vacate the office. Neither the director, clerk nor teacher shall hold the office of treasurer in his own district.

See Forms Nos. 22 and 23.

School district treasurers hold their offices until their successors are elected or appointed, and qualified by filing the required bond.

A neglect to file the bond completed and approved, within ten days, as the law directs, vacates the office. Filing it with the approval of one member of the board only, is of no effect. It is obviously improper for either the director or the clerk to become surety for the treasurer.

The power granted the clerk and director by this section to require an additional bond, when deemed necessary, should be exercised whenever the interests of the district demand it. No good citizen will regard the exercise of this power as an imputation upon his character. Whenever the surety on the bond is not such as the law requires, it is obviously the duty of the treasurer to furnish additional security, and it must be done within ten days, just as in the original filing of the bond.

When the office is vacated from either of the causes named, the board will appoint a treasurer, who will be subject to the same conditions and possess the same powers as if elected to the office.

By this section the treasurer is required to file a bond with securities that are sufficient in the judgment of the director and clerk, but these officers are to be guided in this matter by a sound discretion, and not by caprice. They may require the affidavit of bondsmen, certifying that they are worth the amount for which the bond renders them responsible, in their own right; but they may not use the discretion with which the law vests them to defeat the will of the district.

Failure of a treasurer to pay over money in his hands on his removal from office is a breach of his bond, and no demand is necessary to fix the liability of his sureties. 27 Wis., 505.

The district has no power to release a treasurer from liability for money lost or misapplied by him. 10 Neb., 293.

If a district treasurer pays out any money of the district except upon an order therefor, properly drawn by the clerk and countersigned by the director, he may be held responsible to the district for the sum so paid. 98 Wis., page 22.

**Treasurer's duties.** SECTION 444. The treasurer shall apply for and receive from the town treasurer all money apportioned to or collected for the district and pay money on the order of the clerk countersigned by the director, and not otherwise. He shall keep a book in which he shall enter all the money received and disbursed by him, specifying particularly the sources from which the same has been received, the persons to whom and the object for which the same has been paid, and shall afford the clerk access thereto when desired to enable him to make his annual report. He shall present to the annual meeting a report in writing, containing a state-

ment of all moneys received by him during the preceding year and of each item of disbursement made by him and exhibit the voucher therefor. At the close of his term of office he shall settle with the board and deliver to his successor said books, all vouchers, orders, papers and money coming into and remaining in his hands as treasurer.

While this section requires the treasurer "to pay all money received by him on the order of the clerk, countersigned by the director," it should be borne in mind that he is a member of the district board and is bound by the general law prohibiting these officers from paying orders for money that has not been appropriated according to law. See section 446. He is not bound to pay an order to satisfy an appropriation (made by the board) about which he was not consulted. 59 Wis., 518.

An order, although properly drawn, does not relieve a treasurer of his responsibilities as a district officer. It is his business to see that the money of the district is disbursed according to law.

The district treasurer can ascertain the amount of money to which his district is entitled, by examining the certificate of apportionment on file in the town treasurer's office, which that officer receives from the town clerk. The district treasurer should pay all legal orders in the order of presentation, when no special direction appears upon the order to the contrary.

The law now requires the treasurer to give the clerk access to his books in making his report.

It is a duty which the treasurer owes to himself, as well as to his district, to keep an accurate record of his accounts, so as to be able to present a clear and satisfactory statement of the transactions of the year. The account required to be kept by him, may be a simple cash account, in which the treasurer personally, and in his individual name is charged with all school moneys received by him, and credited with each payment, specifying the date, the person to whom and the account on which it was made. It is convenient and will conduce to accuracy to number each credit consecutively, and to affix the same number to the order to be produced in proof of payment, and in support of such payment. This account should be kept in a book well bound, and a transcript of such account should be made, and with the proper vouchers, presented to the annual meeting. This transcript should be examined by a committee appointed by the meeting, and should be endorsed by said committee as having been examined and found correct, if the committee find it regular in all respects. When at the close of his term of office he settles with the district board, as required by law, the board should enter, upon the original account in the blank-book, its certificate that it has examined such account up to and including the last preceding entry (giving its date), and the vouchers therefor, and that it finds the same correct.

It is deemed proper to refer here to the present law in regard to embezzlement. Refusal of an officer or other person, made the custodian of money, to pay over the same on lawful demand, is declared to be embezzlement, and is punishable by imprisonment or fine. And if any person so demanding money and refused the same neglects to make complaint against such officer, he is also punishable by imprisonment, or fine. Sections 4418 to 4421 of the Wisconsin statutes relate to this matter. It will be seen by section 963, that whenever any judgment has been rendered against the treasurer for any breach of the conditions of his bond the governor may declare the office vacant. The vacancy will be filled as other vacancies in the district board are filled.



It is also deemed proper to refer here to the provisions of law relating to proceedings to compel the delivery of books and papers of public officers to their successors, contained in chapter XLIII, Wisconsin statutes, and embracing sections 977—983 inclusive. Severe penalties and summary proceedings are therein provided for failure to thus deliver books and papers to successors.

**Prosecution of town treasurer.** SECTION 445. The treasurer shall prosecute the town treasurer of the town in which the district or any part thereof is situated for the recovery of any money belonging to the district which the town treasurer refuses or neglects for the space of ten days from the time fixed by law therefor to pay over to him.

The treasurer should bring the action before a justice of the peace, if the amount withheld does not exceed \$200; otherwise, in the circuit court.

#### CLERK.

**His duties.** SECTION 446. It shall be the duty of the clerk:

1. To report the name and postoffice address of each officer of his district to the town clerk and to the town treasurer, or if a joint district to the clerk and treasurer of each town in which his district is situated, within ten days after the election or appointment of such officer.

2. To act as clerk and record the proceedings of the district meetings.

3. To enter in the record book provided by the board the minutes of its meetings, orders, resolutions and other proceedings.

4. To enter in said record book copies of all his reports to the town clerk and the certificate of the proceedings of a meeting returned by a temporary clerk as provided in section 430.

5. To draw orders on the treasurer for money apportioned to or raised by the district to pay, according to the contract made by the board, the wages of any qualified teacher for teaching the district school, and to make any other payment voted at a meeting pursuant to section 430. (See Form No. 24.)

6. To make a record in some suitable book of all orders drawn on the treasurer.

7. To furnish at the expense of the district for the use of each teacher a school register in the form prescribed by the state superintendent, to procure the same to be returned to him at the expiration of the teacher's employment and to preserve the same with the records and papers of the district.

8. To notify any person of his election or appointment to a district office within five days thereafter, to furnish any teacher a copy of the contract made with him by the board and to perform any other duties imposed upon him by law.

The importance of full and accurate records cannot be too strongly emphasized. The record book of the district should contain a full history of its school affairs. Dates, names, resolutions, votes, etc., should be given with such exactness that no trouble can arise which a reference to its pages will not help to settle. Financial statements and reports should be spread out on the record book. Documents that are merely filed are soon lost.

The clerk cannot properly refuse to record the proceedings of a meeting that he was opposed to calling. And although he may think the proceedings illegal, it is his duty, nevertheless, faithfully to record them. If illegal, they may be set aside by competent authority, on appeal; and the record of the clerk is of importance in deciding the question.

As the board has no authority to contract with a teacher who does not hold a legal certificate of qualification, so also any use of public funds, from whatever source received, for the payment of teachers not legally qualified, is a palpable violation of law. It is the duty of the clerk to see and know that the person employed is legally qualified and entitled to teach, before any order for payment is drawn. It is no less the duty of the director to refuse to countersign, and of the treasurer to refuse to pay, orders drawn in violation of law; and these officers are bound to know that orders are legal before they recognize them as valid.

**Orders in favor of teachers.** SECTION 446a. No order shall be drawn, countersigned or paid which is in favor of any person who has taught school in said district when not holding a certificate of qualification therefor as provided by law, nor for the payment of which the money has not been appropriated according to law, and no order shall be drawn for any money received from the school fund income for any other purpose than payment of teachers' wages.

## WHAT SHALL BE TAUGHT.

**Branches taught—Kindergartens.** SECTION 447. (Chapter 200, Laws of 1907, amending section 447, statutes of 1898, as amended by chapter 158, laws of 1905.) Orthography, orthoepy, reading, writing, grammar, geography, arithmetic, elements of agriculture, history of the United States, the constitution of the United States, the constitution of this state, and such other branches as the board may determine, shall be taught in every district school. All instruction shall be in the English language, except that the district board or the

board of education may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour per day or the equivalent thereof, such instruction shall be given during such period or periods of the school year as the district board or board of education may determine; provided that the usual instruction in the regular common school branches shall at all times be offered and given in English to any pupil or pupils desiring such instruction. And provided further that every pupil shall devote at least one-half of the school day to the study of English branches. District boards, town boards of school directors and boards of education may provide for kindergartens, for instruction and training of primary grades, separate departments or otherwise.

Part of this chapter, while general in its scope, will undoubtedly be exceedingly limited in its application. The provisions do not appear to need any comment.

The topics recited in this section constitute the foundation of an education. The legislature evidently regarded them as of prime importance, and provided that they must be taught.

Whenever, by the introduction of other branches into the public schools these are excluded, or are taught less efficiently, the plain provision of the section is violated. Every school should be so conducted as to secure daily instruction in reading, writing and spelling, and written exercises should be required of persons of suitable advancement in every branch taught in the schools.

The law contemplates instruction, discipline and government of such character as to prepare the young to discharge their duties as citizens of a country in which the English language is used by the courts, the legislature and the people. To carry out this provision of the law, section 449 provides: "No person shall receive any certificate who does not write and speak the English language with facility and correctness."

Acquaintance with another language may aid in the instruction of children of foreign birth, or parentage, and this section allows one hour a day to be given to instruction in a foreign language, but the purpose of the provision is to limit, not to encourage the study of a foreign language in a common public school.

The parent has the right to make a reasonable selection from the prescribed studies for his child to pursue; and a teacher is not authorized to inflict corporal punishment for the purpose of compelling the child to pursue the study forbidden by the parent. *Morrow v. Wood*, 35 Wis., 59.

**Physiology and hygiene.** SECTION 447a. Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money or under state control, in physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system. The text-books used in giving such instruction shall

have the joint approval of the state superintendent and the state board of health.

This section contemplates instruction in physiology and hygiene with special reference to the effects of stimulants and narcotics on the human system, for all pupils sufficiently advanced in age and scholarship. Under the guidance of an approved book, oral instruction in this topic may be given to pupils that are too immature to be benefited by the use of a text-book.

The effectiveness of the work in this branch, so far as its oral presentation is concerned, will depend on the simplicity of the instruction, and the good judgment of the teacher in avoiding abstruse and offensive statements. In all instruction given under this law the subject of anatomy should be considered as taking a secondary place.

### III.—CERTIFICATES AND EXAMINATIONS.

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#### TEACHERS.

**Certificates.** SECTION 448. If any person desires to teach in any of the common schools he shall procure a certificate from the proper examining officer, and no certificate shall have force except in the district of the officer by whom issued.

**Grades of; who not to have.** SECTION 449. There shall be three grades of teachers' certificates, to be known as first, second and third. Each certificate shall show the branches in which the holder has been examined and his relative attainments in each branch. No person known to the examining officer to be of immoral character, deficient in learning or ability to teach or unable to write and speak the English language with facility and correctness shall receive a certificate.

**Certification of teachers.** (Chapter 378, Laws of 1909.) SECTION 450—1. 1. Every applicant for a third grade certificate shall be examined in orthoepy, spelling, reading, penmanship, arithmetic, elementary composition and grammar, geography, the history of the United States, the civil government of the United States and of the state of Wisconsin, physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system, school management, the manual of the elementary course of study for the common schools of Wisconsin, and the elements of agriculture; and in addition to passing examinations in the aforesaid branches he shall have attended a professional school for teachers for at least six weeks and shall have received in such school standings in school management, and in the methods of teaching reading and language, arithmetic and geography, provided, however, that the provisions of this section relative to attend-

ance at professional schools for teachers shall not apply to persons who have taught successfully in the public schools for at least eight months prior to July 1st, 1910.

2. In this act "professional school for teachers" shall mean a state normal school, a county training school for teachers, any school in rank above a high school, offering a course for teachers equivalent to that offered in the state normal schools of Wisconsin, or, in counties remote from a state normal school or county training school for teachers, a teachers' institute maintained under such conditions and restrictions as may be provided for by the board of regents of normal schools, provided that such institute shall be taught by at least two teachers and be of not less duration than six weeks, and shall have in connection therewith a model or practice school.

3. A third grade certificate shall entitle the holder to teach for such period, not more than one year, as may be specified therein, in the superintendent's district in which the certificate is issued. A third grade certificate may be renewed if the holder shall during the life of the certificate attend a professional school for teachers for a period of not less than six weeks and shall receive in such school credits in at least two subjects. The holder of a third grade certificate may also renew the same by passing an examination in all the subjects required for a third grade certificate. Not more than three third grade certificates shall be granted after 1910 to the same person.

SECTION 450—2. 1. An applicant to receive a second grade certificate shall have taught successfully in the public schools for at least eight months and shall pass a satisfactory examination in all the branches required for a third grade certificate, and in addition in physical geography, American literature, English Composition, and in the cataloging and use of school libraries. The county or city superintendent may transfer the standings of a third grade certificate in force to a second grade certificate if the holder of such third grade certificate has taught a school successfully for at least eight months and has attended since receiving such third grade certificate, a professional school for teachers for at least six weeks and received credits in at least two subjects.

2. A second grade certificate shall entitle the holder to teach in the superintendent's district where it is issued and shall be in force three years from the date of its issue.

3. A second grade certificate may be renewed if the holder thereof shall pass an examination in all the subjects required

for a second grade certificate. A second grade certificate may also be renewed without examination provided the holder thereof has taught successfully for two years during the life of such certificate and has attended a professional school for teachers for at least six weeks and received credits in at least two subjects.

SECTION 450—3. 1. An applicant to receive a first grade certificate shall have taught successfully for at least eight months in the public schools and shall pass a satisfactory examination in all the branches required for a second grade certificate, and in addition in English literature, theory and art of teaching, algebra, physics and English history. The county or city superintendent may transfer the standing of a second grade certificate in force to a first grade certificate if the holder of such second grade certificate has taught a school successfully for at least eight months and has attended, since receiving such second grade certificate, a professional school for teachers for at least six weeks and received credits in at least two subjects.

2. A first grade certificate shall entitle the holder to teach in the superintendent's district in which it is issued and shall be in force for five years.

3. A first grade certificate may be renewed by the county or city superintendent for one or more periods of five years each, provided the holder has taught successfully for a period of ten years.

SECTION 450—4. Whenever the supply of legally qualified teachers in any county has been exhausted the county or city superintendent with the approval of the state superintendent may issue special third grade certificates on examination in the subjects required for such certificates to as many persons as are necessary to supply the schools, provided that not more than one such certificate shall be issued to the same person.

SECTION 450—5. 1. No first, second or third grade teacher's certificate shall be issued after July 1st, 1910, except as provided in sections 450—1 to 450—4 inclusive, of this act, provided further that nothing in this act shall repeal the provisions of section 450a of the statutes.

2. Any person so desiring, may, however, qualify for the several grades of certificates, provided for in this act, as therein required, at any time after its passage and publication.

**Transfer and renewal of certificates.** SECTION 450a.  
(Part of Chap. 439, laws of 1901 as amended by chap. 445,

laws of 1907.) 1. It shall not be lawful for any county superintendent to endorse a certificate issued by any other county superintendent, nor to extend the life of any certificate beyond the limits fixed by law. The papers written in any examination shall not be used as the basis for issuing a second certificate, which shall have the effect of extending the life of the certificate first issued thereon, except as hereinafter provided. But in any examination for a second certificate, when the applicant has taught successfully in the superintendent district for one school year on a certificate previously issued by him, the superintendent may, in his discretion, accept standings on papers written by the applicant in the preceding examination not to exceed five in number, in lieu of a re-examination in the subjects for which standings are so accepted.

2. The superintendent may allow any person while holding an unexpired certificate of the third grade, or a county training school certificate to write on any two or more of the additional branches demanded for a certificate of the second grade. If the applicant is then successful in securing the required standing in any two of said second grade branches, the superintendent shall issue to said applicant a new third grade certificate based upon the previous examination or upon the county training school certificate, good for one year, and if on or before the expiration of such new third grade certificate, the applicant completes the second grade examination, the superintendent may grant him a certificate of the second grade without limitation. If at any time during the life of the second grade certificate, any applicant shall successfully write in the additional branches demanded for a first grade certificate, the superintendent may issue such first grade certificate without limitation.

The purpose of this act is to encourage teachers to secure teachers' certificates better or of higher grade than those of the third grade. It really provides for what may be properly termed "a progressive examination." It also provides a method whereby a teacher may secure a third grade certificate and in certain cases a second grade, without being re-examined in the third or second grade branches. It also authorizes the county superintendent under certain cases to issue a first grade certificate without the usual limitation. But one third grade can be issued under this law without re-examination in the third grade branches. If the applicant for a certificate of the second grade fails to secure such certificate during the life of the old and the new third grade certificates, another examination in the third grade branches must be taken. The first grade certificate must be secured during the life of the second grade certificate. If not, another second grade examination must be taken. It must also be understood that branches that do not reach the required standing or per cent established by the county superintendent by and with the consent of the State Superintendent for a second grade certificate cannot be transferred from a



third grade, nor can standings or per cents. lower than those required for a first grade certificate be transferred from a second grade certificate. The applicant must take re-examination in the branches that fall below the minimum requirements.

**Preservation of examination papers.** SECTION 450b. It shall be the duty of every county superintendent to preserve on file in his office during the life of every certificate issued by him or his predecessors, the examination papers, both questions and the answers thereto, examined by him or his predecessors, and upon which the certificate was issued; provided, that this section shall not prevent the transfer of papers to the state superintendent, as provided in section six of this act.

**Issue of certificate on transfer of papers.** SECTION 450c. If any person holding a certificate desires to teach in any county or superintendent district other than the one for which his certificate was issued, the county superintendent of that county or district may request the county superintendent who issued the certificate to transfer to him the papers in his possession upon which the certificate was issued, whereupon it shall be the duty of the county superintendent so requested, to transfer the papers, if any. If these papers and standings are found satisfactory by the county superintendent to whom they were transferred, he may issue a certificate upon them of the same grade as the original certificate and coterminous with it, or one of a lower grade to be in force a shorter time, and he shall preserve the papers on file in his office. If the papers are found unsatisfactory, and the certificate is denied, he shall return the papers to the county superintendent from whom he received them.

See also chapter 104, laws of 1899, page 78, of this code.

**Standard of attainment in branches required for certificates.** SECTION 451. Each county superintendent shall establish for his county, subject to the approval of the state superintendent, the standard of attainment in each branch of study which must be reached by each applicant before receiving a certificate. The standard so established shall be uniform in the county or superintendent district and no certificates shall be issued until the standard is established. The standard in the branches of study common to the third grade and the second grade certificates shall be higher for the second than for the third grade certificate, and the standard in the branches common to the second grade and the first grade branches shall be higher for the first grade than for the second grade certificate.

The county superintendent may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary he may require a re-examination of any teacher in his county or superintendent district for the purpose of ascertaining his qualifications to continue as such teacher.

Comments relating to the standard of attainment will be found under section 461. This provision enables the superintendent to act upon the facts within his own knowledge in the accomplishment of the end contemplated in section 453. The re-examination authorizes him to pass judgment upon the teacher with reference to his learning, ability to teach, and moral character. If found deficient in any of these particulars to such a degree that his continuance as a teacher would be prejudicial to the interests of education, the certificate should not be granted. The superintendent may base his judgment as to the teacher's ability upon the results of the observations made by him during school visitation. Care should be exercised that the observed conditions are of a permanent character and evidence the real condition of the school, as the authority to demand a re-examination of a teacher can lawfully be exercised only when there is good and sufficient cause for it.

At least five days' notice should be given to the board and the teacher of the time and place when and where the examination will be held. When the exigencies of the case demand the immediate removal of the teacher, it is advisable to confer with the board with a view to secure his dismissal on the grounds of failure to perform his contract. Upon the board's failure to act, it will be proper for the superintendent, in the discharge of his duty, to exercise the authority with which the statute clothes him, that is, he may annul the teacher's certificate, whereupon the contract will expire by force of law. See section 438.

If the case arises near the close of the teacher's term, it may be the better course to require the teacher to appear at the next public examination; the facts and circumstances of each case should control the action of the superintendent.

**Appeal to state superintendent from markings by county superintendent.** SECTION 452. Any applicant refused a certificate as teacher by the county superintendent, may apply to the state superintendent for a re-examination. The superintendent upon demand, shall give any applicant refused a certificate a written statement of the reasons of such refusal, which shall be presented to the state superintendent by the person desiring re-examination. If upon such re-examination the state superintendent shall be satisfied that such applicant is legally qualified, he shall issue a certificate of the proper grade, which shall entitle him to the same privileges as if it had been issued by the county superintendent. In the exercise of his powers of general supervision of the schools, the state superintendent is hereby authorized to call for the examination papers, both questions and answers, of any person to whom a certificate has been granted, and it is made the duty of all county superin-

tendents to furnish such papers when so called for. If, upon examination of the papers, the state superintendent is satisfied that the person to whom the certificate has been granted is not qualified, he may annul the certificate.

An appeal from the action of a county superintendent in refusing to grant a certificate must be conducted according to the rules and regulations of the department governing appeals. As the county superintendent fixes the standard of attainment under the advice of the state superintendent, no appeal need be taken under the impression that the standard will be lowered.

If the refusal is for want of literary qualifications, a re-examination will probably be necessary. If for other reasons, the decision will be rendered according to the evidence submitted. The forms and rules to be observed in taking an appeal will be found under section 497.

**Countersignature of high school diploma by county superintendent.** SECTION 452*a*. The free high school board shall make out and deliver to each graduate of the high school at the time of graduation, a certificate of his standing in the branches pursued by him in such school; and if such graduate of a high school, having a four years' course receive a first grade certificate from any county superintendent, and furnish to him or to any other county superintendent, a certificate from the free high school board that includes a satisfactory standing in theory and art of teaching, based on a study of this subject in a free high school for at least twelve weeks, and furnish also satisfactory proof of having taught successfully at least one school year, under such first grade certificate, such county superintendent may countersign his certificate of graduation or diploma at any time before the expiration of the first grade certificate, and affix the date of such signature thereto. The diploma so countersigned shall have for the period of five years thereafter, the force and effect of a first grade certificate. It shall be lawful for more than one county superintendent to countersign the diploma, but no countersignature shall have the effect of extending the diploma as a first grade certificate beyond the expiration of the five years immediately following the date of its first countersignature.

Eight months' teaching may under this section be considered as one year of teaching. The proof of satisfactory work should be obtained from the officers of the district in which the teaching has been done. If the applicant has taught in more than one district, testimonials signed by the officers of each board should be furnished. The teaching required must be done in a public school. The high school officers should make it a part of their duty as a board to issue the certificates of standings to the graduates of their schools.

**Required studies in high schools for countersignature of diploma.** SECTION 496a. The state superintendent shall prepare a course or courses of study suitable to be pursued in free high schools, publish the same and furnish the same upon application. He shall exercise such personal supervision and make such personal inspection of the work of all such schools as they seem to require and the other duties of his office may warrant; he shall examine or cause to be examined all teachers of high schools, required by law to pass special examinations to qualify them for teaching in high schools, and grant certificates to such as pass examinations satisfactorily, which certificates shall be in such form and for such time as he may prescribe, and shall authorize the holder to teach in such special place or places, or in the whole state, as the qualifications of the candidate may warrant. Each free high school shall offer at least a twelve weeks' course of instruction each year in the theory and art of teaching; in the organization, management, and course of study of ungraded schools; and in the duties of citizens in the organization and administration of local school systems. Such a course of instruction shall be open to all students in this school and a satisfactory standing in the work of this course shall be a condition precedent to the countersignature of a diploma held by a graduate of the school as provided in Section 7 of this act. Said superintendent shall furnish suitable blanks for annual and special reports for all such schools, which shall require returns as to the number, age and sex of all pupils enrolled, the number in each class or year in the course of study, the number pursuing English branches only, the number completing the course of study each year and such other statistics as may be deemed necessary.

This section relates more especially to the free high schools and will also be found printed in that part of this volume relating to such schools.

**Final normal school standings may be accepted by county superintendents.** SECTION 1. (Chapter 104, Laws of 1899.) Any school superintendent or officer authorized to grant certificates to teachers in the common schools, is hereby authorized, in his discretion, to accept standings obtained by the completion of studies in any normal school of the state, when duly certified by the president of said normal school, in lieu of actual examination by said superintendent or examiner, at any time within three years after such standings were first obtained and recorded in said normal school. The provisions

of this section shall apply to certificates of the first, second or third degrees.

By this act additional discretionary powers are given to county superintendents in certain cases.

### **Certificates for teachers of special branches in cities.**

SECTION 1. (Chapter 148, Laws of 1899.) Any city superintendent of schools may issue certificates to teachers of special branches qualifying them to teach such branches in the schools under his supervision, after such examination as to their fitness to teach such branches as may be provided by the school board and approved by the state superintendent.

By this law, the powers of city superintendents of schools are somewhat enlarged.

**Charges against teachers.** SECTION 453. If any charges be made in writing to any county superintendent over the signature of a complainant against any teacher in the superintendent's district, affecting his moral character, learning or ability to teach, the superintendent shall give to the complainant, the teacher and the board by whom he is employed at least ten days' notice in writing containing a statement of the charges and of the time and place when and where he will hear the same. He shall proceed according to the notice to hear the proofs on either side and give the accused a reasonable opportunity to defend himself; he may administer oaths, and if he find the charges sustained and sufficient, annul his certificate; but the teacher shall not be disqualified thereby until notice containing his name, the date of and reasons for such annulment be filed in the office of the town clerk and a copy thereof delivered to the clerk of the district in which the teacher is employed.

Immoral character, deficiency in learning, or inability to teach, is cause for the annulment of a teacher's certificate. The superintendent should listen to complaints made under these heads. Upon presentation of specific charges, he should file copies of the complaint with the teacher and with the district board, and name a suitable time and place for pursuing the inquiry formally. If the charges be sustained by convincing evidence presented by the complainant, and the rebuttal made by the teacher fail to exculpate him, the superintendent may annul the teacher's certificate. In case of a charge of deficiency in learning, the superintendent may re-examine after suitable notice, and may annul the certificate for cause; and in case of charge of want of ability to teach, the superintendent should inspect the school. If he find the charges well founded he may advise the board to discharge the teacher, or he may proceed as directed in the comments under section 451. In all steps taken the superintendent is a judge, the teacher is defendant, and the complainant should sustain his charge by convincing proof. Any annulment of a certificate is subject to appeal and to reversal by the state superintendent.

**State certificates—High school principal's certificates.**

SECTION 454. The state superintendent shall, before the fourth Wednesday of August in each year, appoint three competent persons, residents of this state, who shall constitute a board of examiners. Said board shall meet at the capitol once or more each year, at such times and also at such other places as the state superintendent shall prescribe, for the examination of all applicants for state certificates; provided, the state superintendent is hereby authorized to examine principals of high schools and of free high schools who shall have been elected superintendents of the city schools containing such high school, and to grant certificates to successful candidates, valid for one year and in a single locality. The state superintendent shall prescribe the manner of making application, of conducting and managing such examinations, reporting the results thereof, and, with the advice of the examiners, in what branches of study, in addition to those fixed by law, the applicant for an unlimited state certificate shall be examined.

Any one who contemplates writing under the state board of examiners for a state certificate, either the county superintendent's, the limited or unlimited, should apply to the state superintendent for a copy of the program of the examinations and the governing rules and regulations.

**What branches; effect of certificate.** SECTION 455. To entitle an applicant to a limited state certificate the examiners shall be satisfied and report to the state superintendent that he possesses the requisite scholarship in all the branches of study required for a first grade county certificate, and also in mental philosophy and English literature. To entitle him to an unlimited state certificate they shall be satisfied and report that he possesses the requisite scholarship in all the branches above named and in such others as shall have been prescribed. He shall furnish to the examiners such evidence of good moral character, experience and success in teaching as they may require, and upon their recommendation the state superintendent shall issue to him such certificate as is awarded by their report. A limited state certificate shall qualify him to teach in any public school without further examination for five years from its date, unless sooner annulled, and an unlimited state certificate until annulled.

**Record of examination.** SECTION 456. The state superintendent shall record the date of each certificate and the name, age and residence of the person to whom issued; and he shall

preserve on file in his office all papers relating to the examination of applicants for state certificates.

**Compensation of examiners.** SECTION 458. There shall be paid out of the state treasury to each examiner appointed as aforesaid five dollars per day for all time actually and necessarily spent in going to, holding and returning from any such examination, and all his actual and necessary expenses therein, to be fixed and certified by the state superintendent.

Certificates are granted on examinations conducted by oral and written questions, and upon the filing of evidence of moral character and of successful teaching. Stationery is furnished free and no fee is charged for certificates.

#### LIMITED CERTIFICATES.

The requirements for these certificates are that each candidate should pass a satisfactory examination on all the branches required for a first grade certificate (see section 450 as amended by section 1, Chap. 378, Laws of 1909), and in addition on psychology. Satisfactory evidence of good moral character and of success in teaching for at least twelve months is also required.

Candidates are allowed to write at three successive sessions of the board of examiners, to complete the work.

#### UNLIMITED CERTIFICATES.

In addition to the examination provided for limited certificates, candidates for unlimited certificates must pass a satisfactory examination in botany, political economy, history of education, zoology, general history, and in geology, or chemistry, or astronomy as the applicant may choose. Latin may be substituted for the critical study of English literature. They must also furnish evidence of good moral character and of having taught successfully at least twenty-four months.

Applicants for state certificates should write to the state superintendent for leaflet: Directions to candidates.

City superintendents are frequently authorized by charters to examine and issue certificates to all teachers employed in the city. If elected to the principalship of schools the city superintendent may find it difficult to qualify under other statutes. Section 454 authorizes the state superintendent to examine and issue a certificate without convening the board of examiners. Principals should apply for direction before entering upon service.

**State teachers' certificates—licenses, etc.—how obtained.** SECTION 458a. (Chapter 579, Laws of 1907, repealing sections 458a, 458b, 458d, 458g, 458h, statutes of 1898, as amended by chap. 171, Laws of 1901, and section 1, chapter 64, Laws of 1903, and creating four new sections.) The holder of a teacher's state certificate granted by another state, which is equivalent to the Wisconsin unlimited state certificate, may receive from the state superintendent, upon the recommendation of the Wisconsin state board of examiners, a Wisconsin unlimited state certificate. The applicant shall furnish such

evidence of learning and good moral character as the board may require and also of two years' successful experience in teaching in the public schools of Wisconsin subsequent to the date of issuance of the foreign state certificate. The holder of such state certificate upon which a Wisconsin state certificate has not been issued in accordance with the provisions herein mentioned, may upon the recommendation of the state board of examiners, be granted a special license by the state superintendent, said special license legally qualifying the holder to teach for two years in a public school in Wisconsin.

SECTION 458b. The state superintendent shall issue to the holder of a diploma, granted by the board of regents of normal schools to any person who completed the kindergarten training course established by said board in any of the state normal schools, a license entitling the holder to teach in any public kindergarten in this state for one year. The holder of such a diploma may receive an unlimited state certificate, entitling him to teach in any public kindergarten in this state for life, unless sooner revoked, upon the furnishing of evidence of good moral character, and one year's successful teaching after graduation, in a public kindergarten in the state of Wisconsin, together with the certificate required in section 458b—2.

SECTION 458b—1. The state superintendent shall issue to the holder of a diploma granted by the board of regents of normal schools to any person who completes the training course for teachers of manual training or domestic science, established by said board in any of the Wisconsin state normal schools, a license entitling the holder to teach manual training or domestic science for one year in any school forming a part of the public school system. The holder of such diploma may receive an unlimited state certificate entitling him to teach manual training or domestic science in any public school in this state for life, unless sooner revoked, upon furnishing evidence of good moral character and one year's successful teaching of such branches, after graduation, in a public school in the state of Wisconsin, together with the certificate required in section 458b—2.

SECTION 458b—2. 1. The president of the University of Wisconsin shall issue to all graduates of the regular collegiate courses of such university, a certified statement showing the name of the graduate, the date of graduation, the course from which graduated, and the said graduate has completed the course of pedagogical instruction prescribed by the university for all persons who intend to teach. This certificate when pre-



sented to the state superintendent, shall entitle the holder thereof to receive a license qualifying the holder to teach in any public school in the state of Wisconsin for one year from the date of issuance.

2. The president of each state normal school shall issue to the graduates of the full course of the normal school, as well as to the persons completing the elementary course, a statement bearing even date with the diploma or certificate, setting forth the name of the person and the course from which graduated. This certificate when presented to the state superintendent, shall entitle the holder thereof to receive a license, qualifying the holder to teach in the public schools of Wisconsin for one year from date of issuance.

3. The state superintendent, upon the presentation of a statement hereinbefore mentioned in this section, and satisfactory evidence of good moral character, and one year's successful teaching after graduation in the public schools of the state of Wisconsin, shall issue certificates as follows: To any person who shall hold a university or normal school diploma, an unlimited state certificate; to any person who shall hold a normal school elementary certificate, a limited state certificate, qualifying the holder to teach in a public school for a period not to exceed six years from the date of issuance of the normal school certificate. Neither a limited state certificate, nor a license to teach based upon the certificate from the elementary course of a normal school shall qualify the holder as principal of a free high school having four years course of study.

**Diplomas—State certificates.** SECTION 458c. (As amended by Chapter 237, Laws of 1899.) The holder of a diploma granted by any incorporated college or university whose regular collegiate courses are fully and fairly equivalent to corresponding courses of the University of Wisconsin, or the holder of a diploma granted by a state normal school whose courses of study are fully and fairly equivalent to the courses of study in the Wisconsin normal schools, may present such diploma, together with evidence of the required standing of the college, university or normal school granting the same, to the board of examiners. The applicant shall furnish therewith testimonials of good moral character, and, if a holder of a diploma granted by any such college or university located within this state, of one year's successful teaching in a public school after the date of said diploma; if a holder of a diploma, granted

by any such college, university or normal school not located within the state, the applicant shall furnish therewith like testimonials of good moral character, and of two years' successful teaching in a public school after the date of said diploma. The holder of any such diploma recommended favorably by the board shall be entitled to receive an unlimited state certificate. The holder of a diploma granted upon the completion of a course of study accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach for two years in a public school.

These sections are of interest only to those who have graduated from some normal school, college, university, kindergarten school or department, manual training or domestic science school or department, and teachers who have secured state certificates in other states. It provides that in place of countersigning diplomas, the state superintendent shall issue state certificates. This will make it unnecessary to file the diplomas with the state superintendent, but certain credentials, testimonials, etc., as evidences of scholarship, ability, and character, must be filed with the state superintendent before the state certificate will be granted.

**Revocation of state certificate, etc.** SECTION 458e. Any state certificate or license, or the equivalent of them, may be revoked by the state superintendent for incompetency or immoral conduct; but before any such revocation the holder shall be served with a written statement of the charges against him and shall have an opportunity for defense.

**Diploma of Milwaukee high school.** SECTION 458f. The state superintendent, after such examination as to moral character, learning and ability to teach as to him may seem proper and reasonable, may countersign the diploma of any graduate of the Milwaukee high school and the normal department thereof, received from the school board of Milwaukee, who has taught successfully in a public school in this state for five years, and the diploma of such graduate, so countersigned, shall be evidence of his qualifications to teach in any common school and have the force and effect of an unlimited state certificate.

**Kindergarten teachers—Legal qualifications.** SECTION 458g. (Chap. 317, laws of 1907, amending section 458g, Statutes of 1898, and section 1, chapter 69, laws of 1903.) A

diploma granted by the board of regents of normal schools to any person who completes the kindergarten training course established by said board in any of the state normal schools, shall be regarded as a certificate legally qualifying the holder thereof to teach for one year in any kindergarten forming a part of the public school system, or in the first three years of the primary grades of such system (the words "primary grades" shall be construed as in section 1 of chapter 248, laws of 1905); and the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper, countersign such diploma if, since receiving it, the holder has taught in a public kindergarten or in primary grades in this state one year, and thereafter such countersigned diplomas shall qualify to so teach until the same shall be annulled.

See section 458b for directions as to licenses and state certificates. The diploma is no longer to be considered a license and no more diplomas can be countersigned. The license and state certificate mentioned in section 458b legally qualify the holder to teach in primary grades as designated and interpreted in section 458g printed above.

SECTION 458q. 1. The holder of a diploma granted by any kindergarten training school whose course of instruction is fully and fairly equivalent to the course of instruction in kindergarten training prescribed by the board of regents of normal schools in any of the state normal schools, may present such diploma, together with evidence of the required standing of the kindergarten training school issuing such diploma to the state board of examiners.

2. The applicant shall furnish therewith testimonials of good moral character and of one year's successful teaching in a kindergarten or primary grades in the public schools in Wisconsin after the date of such diploma.

3. The holder of any such diploma recommended favorably by the board shall be entitled to receive a certificate issued by the state superintendent qualifying the holder to teach in any public kindergarten or primary grade in the state, until the same shall be annulled.

4. The holder of a diploma granted upon the completion of a course of study accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state

superintendent to teach for one year in any kindergarten or in primary grades in the public schools of Wisconsin.

Under the provisions of this chapter a teacher who holds a counter-signed kindergarten diploma, or a license or state certificate based upon a kindergarten diploma, is legally qualified to teach in the lower grades of the public school, provided that such teaching shall be confined to the first three years' work. The law is also retroactive inasmuch as it enlarges the legal qualifications of those who have received counter-signed diplomas in past years.

SECTION 2. An unlimited state certificate qualifying the holder to teach in any public kindergarten in the state until annulled, shall be issued by the state superintendent to any person recommended for such certificate by the state board of examiners, after such examination as shall satisfy the examiners that the applicant possesses the requisite scholarship in all the branches prescribed in the course of instruction for kindergarten training by the board of regents of normal schools for any of the state normal schools; provided, further, that the applicant shall furnish to the examiners such evidence of good moral character, experience, and success in teaching as they may require.

SECTION 3. In addition to the foregoing there are hereby established three grades of certificates for kindergarten teachers, to be known as first, second, third. Every applicant for a kindergarten certificate shall be examined in the subjects hereinafter mentioned for the several grades respectively, as follows: For the third grade in orthoepy, orthography, reading, writing, arithmetic, English grammar, physiology and hygiene with special reference to the physiology and hygiene of childhood, drawing, music, juvenile literature, and theory and art of kindergarten teaching. For the second grade, in all the foregoing, and also in general literature and the elements of botany. For the first grade, in all the foregoing, and also in the history of education as related to the development of the kindergarten, and in the elements of zoology. If found qualified, the applicant shall receive the certificate of appropriate grade. The third grade certificate shall entitle the holder to teach in any kindergarten for such period not more than one year as may be specified therein, in any town or city in the superintendent district in which the applicant is examined, except that it may be limited by the county or city superintendent to one town or school therein. A second grade certificate shall entitle the holder to teach in any kindergarten in any

town or city in such superintendent district, and be in force for two years from its date. A first grade certificate shall entitle the holder to teach in any kindergarten in any town or city in such superintendent district, and be in force for four years from its date; but the county or city superintendent may limit the same to one year and remove the limitations upon satisfactory evidence that the holder has successfully taught in a public kindergarten in this state for at least six months. If a person pass a satisfactory examination by any county or city superintendent and obtain a certificate of either grade, and propose to teach in another superintendent district, it shall be lawful for the superintendent holding the papers written at the examination for such certificate, upon the request of any county or city superintendent, to transfer such papers to him, and if found satisfactory, a certificate thereon, of the proper grade, to be coterminous with the original certificate, may be issued by him, to the same effect as though he had examined the applicant himself.

SECTION 4. After July 1, 1902, no person shall be deemed a legally qualified kindergarten teacher in the state of Wisconsin who does not hold a certificate granted by the proper officer under the provisions of this act; provided, that nothing herein shall operate to invalidate kindergarten certificates issued under the authority of the board of education of any city prior to the passage of this act; nor to effect the validity of kindergarten certificates issued under the provisions of section 458g of statutes, and provided further, that the provisions of this act shall not apply to cities of the first class.

**Other diplomas; special license.** SECTION 2. The holder of a diploma granted by any manual training school or school of domestic science, upon the completion of a training course for teachers in either subject fully and fairly equivalent to the course of instruction for teachers in the same subjects prescribed by the board of regents of normal schools, may present such diploma, together with the evidence of the required standing of the training school issuing such diploma, to the state board of examiners. The applicant shall furnish therewith testimonials of good moral character and of two years' successful teaching of manual training or domestic science, as the case may be, in the public schools of the state after the date of such diploma. The holder of any such diploma, recommended favorably by the board, shall be entitled to receive a certificate

issued by the state superintendent, qualifying the holder as a teacher of manual training or of domestic science, until the same shall be annulled. The holder of a diploma granted upon the completion of a course of study, accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach manual training or domestic science as recommended by the board, for two years in the public schools of the state.

**State superintendent; special licenses; state certificates; diplomas.** (Chapter 231, Laws of 1905.) SECTION 458i. The state superintendent is authorized and empowered to countersign diplomas and issue state certificates to persons who are engaged in supervising work in the public schools or teaching in colleges or normal schools, otherwise legally qualified under existing statutes or are recommended by the state board of examiners.

SECTION 458j. The state superintendent may issue a special license good only until the next meeting of the state board of examiners in cases where the applicant gives satisfactory evidence that his qualifications and credentials shall meet the requirements of the board of examiners; said temporary license to be issued only in urgent cases and in order that the school board, or board of education may be legally authorized to pay the salary of said teacher from the funds of the district for services rendered.

SECTION 458k. The state superintendent may upon the recommendation of the state board of examiners, grant a special certificate legally qualifying the holder to teach such special branch or branches in the public schools as may be named on the face of the certificate.

SECTION 458l. Upon the recommendation of the state board of examiners an applicant may be granted a limited special certificate qualifying him to teach not more than one special branch in the public schools, said certificate being limited to one particular school or district to be named in the certificate, said certificate to be null and void in any other school or district.

**Qualifications of teachers.** SECTION 1. (Chapter 120, Laws of 1899.) After the first day of July, 1900, graduates

of colleges and universities, in order that their diplomas may become an authorization to teach in the public schools of this state, as now provided by law, must present with them to the state superintendent of public instruction satisfactory evidence of having given to psychology and pedagogy at least as much study as is required, in this state, of candidates for a life certificate.

The circular relating to state examinations will give some idea as to what this requirement is.

The above sections and chapters cover points relating to the countersignature of diplomas and state certificates and the issuance of licenses and certificates by the state superintendent. The testimonials sent must be originals, not copies, and the statements made in regard to moral character must be clear and specific. In securing evidence of the moral character and success in teaching necessary before diplomas from normal schools and state universities can be countersigned the following information must be given:

Name and address of the superintendents under whom you have taught.....months.

Name and address of the principal under whom you last taught, if you taught in a graded school or as an assistant in a high school; grade of work:

Names and addresses of two members of the school board by whom you were employed when you last taught:

If during your.....month's teaching you have been employed by more than one board, give the names and addresses of two members of each two boards:

Name of any other well known school man who has personal knowledge of your work in the class-room:

From what school do you hold a diploma?.....

From what course? .....

Date of diploma.....

Have you passed an examination for a state certificate?.....

If so, when?.....

Where? .....

If you hold a diploma, or a state certificate from another state upon which document you apply for a state certificate in Wisconsin, forward the document so held to the state superintendent, if he has not already received it.

Your name .....

Address .....

Date .....

This information must be mailed to the state superintendent. Blanks prepared for giving this information will be promptly mailed to any one wishing to make application for countersignature of his diploma or recognition of his certificate. The state superintendent will communicate at once with the parties named and receive their estimates of the work and character of the applicant.

**Legal school holidays—Attendance upon institute or teachers' association.** (Chapter 92, Laws of 1907, amending section 459, Statutes of 1898, as amended by chapter 326,

Laws of 1903.) SECTION 459. Twenty days of teaching shall constitute a school month unless it be otherwise specified in the contract, and all legal holidays, except the day of any primary election or any general election occurring on school days shall be counted although no school be taught; but school taught on legal holidays shall not be counted for two school days, and no Saturday shall be counted. The board may give to any teacher employed, without deduction from his wages, the whole or any part of any time spent by him in attending the sessions of any institute held in the county embracing any part of the district, or in attending the meeting of any teachers' association upon such teachers furnishing to the clerk, to be filed by him a certificate of regular attendance on such institute or teachers' association, signed by the person conducting the institute or by the secretary of the association.

This chapter abolishes general election day (the first Tuesday after the first Monday in November in every even numbered year and primary election day, the first Tuesday in September in even numbered years), as legal holidays. Legal holidays can only be counted in favor of the teacher or the school district when they occur on school days and when school under other circumstances would be in session. The school holidays now recognized by statute are: January 1st, February 22nd, May 30th, July 4th, Labor Day—usually occurring the first Monday in September in accordance with a proclamation by the Governor—Thanksgiving Day—usually the last Thursday in November—and Christmas Day. When legal holidays occur on Sunday, the following Monday is the holiday.

School boards and teachers should take notice that the teacher's month is always twenty days, unless otherwise specified in the contract; also, that no Saturdays, but all legal holidays occurring while school is in session are to be counted.

It is recommended that school boards exercise the power given in this section, and allow teachers to attend institutes without deducting the time. The consent of the board to attend an institute or association occurring while school is in session must be obtained from all or a majority of the board at a board meeting held under the provisions of section 432. The certificate of attendance required by the law should be surrendered to the clerk before an order for wages is drawn.

**School register—Teacher's report.** SECTION 460. The teacher shall enter in the register furnished by the clerk the names, ages and studies of all scholars attending school, and daily their attendance and absence and such other facts as the county superintendent or state superintendent may require; which register the teacher shall deliver to the clerk at the close of his service or whenever it may be required for the use of the board. The teacher shall make in writing and transmit to the board or to the county superintendent a report concerning any matter relating to his school in such manner as the board or the superintendent may prescribe; and any teacher who



shall wilfully neglect or refuse to make entries in the register as above required shall forfeit his wages for teaching during the time of such neglect or refusal.

It is the duty of the clerk to furnish the teacher with a register (subdivision 5, of section 446), and to call attention to the penalties of wilful neglect or refusal to comply with this requirement.

Economy will be served if bound books be procured for registers. While registers are not supplied by the state superintendent, approved forms may be obtained of firms that deal in school supplies.

The clerk should examine the register during the term to aid in securing that accuracy in the method of keeping it that will enable him to make a reliable report to the town clerk, and he should require the teacher to return the register at the end of the term. The teacher should also fill out a condensed report at the end of each term and at the close of the school for the year. Such reports are easily furnished by the teacher and are helpful in securing accurate reports from school officers.

## IV.—THE COUNTY AND THE CITY SUPERINTENDENT.

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**Eligibility.** SECTION 702a. (Amending section 2 of Chap. 583, Laws of 1907, amending Chap. 351, Laws of 1899, amending section 38 of Chap. 5 of the Laws of 1898.) \* \* \* In no case shall a county clerk \* \* \* place the name of any person upon such ballot (election ballot) as a candidate for the office of county superintendent of schools unless such person shall have filed in said clerk's office at least ten days before the day of election at which such superintendent is elected proof of having successfully taught in one or more of the public schools of this state for a period of eight months, and a copy of a certificate entitling him to teach in any such school, or of a certificate known as a county superintendent's certificate, unless such person, before the first day of May, 1895, had held the office of county superintendent of schools of this state.

See section 38, Wisconsin statutes of 1898.

Any one of the following documents entitles its holder to teach in any public school in the state, and hence is the certificate required by the provisions of the law above quoted:

1. The Unlimited Wisconsin State Certificate.
2. The Limited Wisconsin State Certificate for five years from the date of the certificate.
3. A diploma granted upon the completion of a regular collegiate course of the Wisconsin State University, or of a Wisconsin state normal school, if countersigned by a Wisconsin state superintendent.
4. An elementary certificate, granted upon the completion of the elementary course of study of any one of the Wisconsin state normal schools for five years after the date of countersignature by a state superintendent.
5. Any college or university diploma, bearing the countersignature of a Wisconsin state superintendent.
6. A special license granted by a Wisconsin state superintendent, authorizing the holder to teach for one or two years in any public school in Wisconsin, as provided in sections 458c and 458h.
7. A diploma granted upon the completion of the course of study of

the Milwaukee high school and the normal department thereof, if countersigned by a Wisconsin state superintendent.

8. A limited state certificate or a first or second grade county certificate countersigned by a Wisconsin state superintendent under the provisions of chapter 203, laws of 1882. (Chapter 303, laws of 1882, has been repealed.)

9. A state certificate granted by any other state, that has been countersigned by a Wisconsin state superintendent.

10. The county superintendent's certificate, issued by a Wisconsin state superintendent in accordance with section 461g.

11. The certificate authorized by section 458h, if in force at the time of nomination and election.

**Election of county or district superintendents.** (Chapter 307, Laws of 1903, amending Section 698 of the Statutes of 1898.) SECTION 698. At the general election in the year one thousand nine hundred and four and biennially thereafter, there shall be elected in each county for a regular term, the following county officers, viz.: A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds and surveyor. The regular term of office of all such officers shall commence on the first Monday of January next succeeding their election and continue two years; but each such officer, including those now in office, shall hold his office until his successor is qualified.

A superintendent of schools shall be chosen by the qualified electors of each superintendent district in the state of Wisconsin, at the election to be held on the first Tuesday in April in the year one thousand nine hundred and five and biennially thereafter, and said officer shall hold his office for the term of two years from the succeeding first Monday of July. The county or district superintendent chosen at the general election in November, A. D. 1902, or thereafter appointed, shall hold and continue in office as such, until the first Monday in July, A. D. 1905, and their successors shall be chosen as hereinbefore prescribed at the election in April, A. D. 1905. The superintendent of each district shall hold his office until his successor is elected and qualified. The county board of supervisors of every county, at the annual meeting next preceding the election of such superintendent or superintendents, shall fix the amount of salary which shall be received by the superintendent of schools of each superintendent district within said county except the city superintendent of schools of any city, and may allow such actual and necessary traveling expenses within and without the county, as may be reasonable and just; the same to be audited, allowed and paid in the same manner

as other claims against the county are audited, allowed and paid.

**City superintendent of schools.** (Chapter 86, Laws of 1909 amending Chapter 360, Laws of 1903, as amended by Chapter 388, Laws of 1905.) SECTION 926—115. In all cities except cities of the first class, there may be elected \* \* by the board of education or the board of school commissioners, a city superintendent of schools for a term not to exceed three years, whose duties shall be:

1. To examine and license teachers according to the statutes.  
\* \* \*
2. To supervise the administration of the courses of study.
3. To have general supervision of the professional work of the schools of the city, including the holding of teachers' meetings and the promotion of pupils.
4. From time to time to make a written report to the board of education or board of school commissioners, as the case may be, embodying such recommendations relative to the employment of teachers, adoption of text-books, changes in the course of study, enforcement of discipline, and such other matters as said superintendent may deem for the best interests and welfare of the city schools.
5. To make such other reports and to perform such other duties as the board of education or board of school commissioners may direct and which are not in conflict with the provisions of this act. The board of education or the board of school commissioners shall determine the annual compensation to be paid said city superintendent of public schools from the school funds of the city.

**Superintendent not to engage in other business.** SECTION 2. This act shall apply to all cities, except those of the first class, in which a city superintendent of schools is elected or appointed by the board of education or the board of school commissioners, and no city superintendent of schools shall engage in any other profession or occupation or pursuit for such time or in such manner as shall interfere with the proper discharge of his duties as such superintendent during the term for which he is elected or appointed. A violation of any of the provisions of this section shall subject the offender to removal from office, provided that nothing in this act shall be con-

strued to bar any city superintendent of schools from being principal of, or teaching in any school under his supervision, and no person shall be eligible to the office of city superintendent of schools whose legal qualifications are not equivalent to those required for the principalship of a free high school having a course of study requiring four years for its completion.

**City superintendent—Secretary.** SECTION 3. The board of education or board of school commissioners in all cities, except cities of the first class, shall annually choose one of their own number to act as chairman and shall choose a secretary who may or may not be a member of the board. It shall be the duty of said secretary to be present at each board meeting; to keep in full in a book provided for that purpose, the minutes of such meeting and to perform any other clerical duties under the direction of the board at such compensation as the board may fix. It is further provided that said city superintendent of schools shall not be eligible to membership on the school board nor to act or be elected as president or chairman thereof.

**City superintendent to attend convention.** (Chapter 253, laws of 1909.) SECTION 926—117m. It shall be the duty of each city superintendent to attend annually one convention called and held by the state superintendent for the purpose of consultation upon matters pertaining to the supervision and management of city schools. Each superintendent shall be reimbursed his actual and necessary expenses incurred for travel, board and lodging because of attendance upon such convention such bills to be audited and allowed by the boards of education upon presentation of an itemized statement of expense accompanied by a certificate of attendance signed by the state superintendent.

**Superintendent districts—Effect upon cities.** SECTION 703. The county board of each county having over fifteen thousand inhabitants according to the census last preceding division, may divide such county into two superintendent districts, to be called superintendent district number one and superintendent district number two, by resolution, specifying therein the territory included in each and every such division, and every like division heretofore made shall remain in force until rescinded by resolution of the county board. Unless so divided each county shall constitute a superintendent district, but every city having a board of education, a superintendent

of schools or other board or officer vested with power to examine and license teachers and supervise and manage the schools therein, shall be exempt from the provisions of this section and all provisions relating to county superintendents of schools, except so far as required to make reports to the county superintendent of the district in which such city is situated; and the electors of such city shall have no voice in electing such county superintendent, and the supervisors from such city shall have no voice in the county board in determining or providing the compensation or allowance of, or any matter relating to, such county superintendent; nor shall any tax be levied on such city to pay any part of such compensation or allowances. When any county shall be so divided the county board may assign the county superintendent in office to either district, and the state superintendent shall appoint a county superintendent for the other district, to hold until his successor is elected and qualified according to law. The acceptance of the office of county supervisor by any county superintendent of schools shall vacate his office.

**Salary, expenses and bond.** SECTION 704. (as amended by Chapter 518, Laws of 1905). The compensation of county and district superintendents of schools shall be fixed by the county board of supervisors and shall be an annual salary of not less than five hundred dollars in counties or superintendent districts containing more than five thousand and less than nine thousand inhabitants and not less than nine hundred dollars in county or superintendent districts containing more than nine thousand inhabitants, but in no county or superintendent district containing over six thousand inhabitants shall the salary be fixed at less than five hundred and fifty dollars and in counties or superintendent districts containing over seven thousand inhabitants, the salary shall not be fixed at less than six hundred dollars, and in counties or superintendent districts containing over eight thousand inhabitants the salary shall not be fixed at less than seven hundred and fifty dollars and in counties or superintendent districts containing more than nine thousand inhabitants the salary shall not be fixed at less than nine hundred dollars and in estimating such populations, all cities under the supervision of city superintendents of schools shall not be counted. The county boards of supervisors shall allow for stationery, postage and printing such amount as the county or district superintendent shall certify to be actually necessary, not to exceed one hundred dollars in counties or superintendent districts containing less than five thousand in-

habitants, and not exceeding two hundred dollars in districts containing more than five thousand inhabitants, and may allow such superintendent such sum in addition to his compensation and other allowances specified above as he shall certify he has actually and necessarily expended in defraying traveling expenses while engaged in the discharge of the duties of his office; provided that no more than two hundred fifty dollars shall be allowed for such expenses in any one year to each superintendent. The superintendent shall make and present an itemized statement of these accounts, said statement or account to be audited at the annual meeting of the board of supervisors. The limitations of this section shall not apply to counties for which different limitations have been made by special acts. Each county or district superintendent shall be reimbursed his actual necessary expenses incurred in traveling from his residence to the place of holding the nearest or most accessible convention of county superintendents called by the state superintendent; his hotel expenses during the time he actually attended such convention and his expenses incurred in returning to his place of residence. An itemized statement for such expenses shall audited by the county board upon the presentation thereof with the certificate of the state superintendent attached, showing the attendance of the county or district superintendents on such convention for the time specified in the statement, and not more than one such account shall be paid for any one superintendent for each year. Each county or district superintendent shall give a bond with such sureties as the county board of supervisors may approve for the proper performance of his duties under the law providing for a county teachers' institute fund, which bond shall secure the payment of not less than twice the sum of money which the board may estimate will come into his hands in consequence thereof.

SECTION 3. Nothing hereinbefore contained shall affect the salary of any county or district superintendent now in office during the term for which such superintendent was elected. Whenever any county board shall have omitted to fix a salary for any district superintendent pursuant to the provisions of chapter 307, of the laws of 1903, the salary theretofore fixed by the county board for the county superintendent shall be this salary of such district superintendent until otherwise fixed by or pursuant to any law of this state.

**Salary of district superintendent of schools.** (Chapter 252, Laws of 1905.) SECTION 1. District superintendents of

schools, as provided by chapter 307 of the laws of 1903, shall receive the same amount of salary heretofore last fixed by the county board of supervisors, as provided by law, until otherwise determined by the said county board of supervisors as the salary of the county superintendent of schools in each respective district.

**His duties.** SECTION 461. It shall be the duty of every county superintendent:

1. To examine and license teachers in his district and to annul certificates as provide by law.

The purpose of teachers' examinations is to ascertain the attainments of applicants in the branches set forth in the law, and their ability to instruct. Character and conduct are important factors in a teacher's equipment, and so the law restrains superintendents from granting certificates to persons known to them to be immoral. A formal examination into the moral character of applicants seems to be impracticable, but superintendents should be no less alert to save pupils from the contamination that would result from licensing unprincipled persons. Applicants that are unknown to the examiner should be required to furnish satisfactory evidence that their conduct is above reproach. The law wisely forbids the use of religious tests, but that sound morality that constitutes the recognized rules of life among right thinking people is not sectarian.

Comment upon certificates may be found under section 450, as amended by chapter 439, laws of 1901.

The law sets forth the branches in which applicants must be examined, and the different certificates which superintendents are authorized to grant. The method of examination is by written and oral questions. In the preparation of questions care should be observed that they are made to involve principles rather than facts, and they should be so framed as to test the applicant's ability to develop a subject by correct methods, and to secure to pupils the disciplinary value of the study. They should be sufficient in number to constitute an adequate test.

Superintendents should discriminate between the standard of attainments in branches of study and the standing in these branches. The standard is the examiner's judgment as to the ability and scholarship requisite for a teacher. Standing is the applicant's attainments in the several branches as indicated by the examination.

Care in the formation of the standard required will aid in determining the plan of examination and the questions to be submitted. The sole purpose of examinations is to test the ability and attainments of applicants as measured by a required standard, and hence some standard is a pre-requisite to intelligent work in examinations. If the examiner prefers not to know whose papers he examines, he may give each candidate a number to be placed upon his paper instead of his name. The preliminary paper, prepared by the candidate, should show his number, which will afford a means of identifying his papers after they have been examined and the results determined. Whichever method is adopted, the examiner will not be relieved from the duty of justifying his markings when called upon to do so.

In conducting the oral examination, the examiner should carefully note pronunciation, choice of words, facility of illustration, and manner of address, with a view to the formation of relatively just judg-



ments. The oral examination affords an excellent test of a person's ability to impart instruction. All applicants deserving certificates should speak the English language readily and correctly.

The law does not require the attainment of any age as essential for a certificate. The question for the examiner to determine is one of capacity and fitness to perform the duties and to meet the responsibilities of a school teacher. These demand a maturity of judgment and a soundness of discretion not found in boys and girls.

All papers written at examinations should be preserved by the superintendent during the life of the certificate issued thereon. A conveniently arranged permanent record of all examinations must be kept, which must embrace the names and addresses of applicants, their standings and the grade of certificates granted to each, with the date of its expiration. See section 450b as amended by chapter 439, laws of 1901.

The examiner should make all arrangements necessary for the proper conduct of the examination sufficiently early to begin work at the hour appointed in the public notice. Applicants should be required to conform to such regulations as will facilitate the work of the examination and make it a true test of their qualifications. Every precaution should be taken to preclude resort to unfair means.

2. To visit and examine each district and all the schools in his district at least once in each year and as much oftener as may be necessary; to inquire into all matters relating to the management, course of study, mode of instruction, text-books and discipline of such schools and the condition of the school house, sites and outbuildings and appendages and of the district generally; to advise with and counsel the district boards in relation to their duties, and particularly in relation to the construction, warming and ventilation of school houses and the improving and adorning of the school grounds, and to recommend to the school officers and teachers the proper studies, discipline and management of schools.

The object of the superintendent's visits is set forth with sufficient clearness in the law. It remains for him to make his visits helpful to the schools. A formal call of a few minutes' duration can serve no beneficial purpose, and should not be considered a sufficient performance of the superintendent's duty in this regard.

The superintendent should keep a record of his observations. The information thus obtained should serve as an aid in passing judgment upon the qualifications of teachers, and should also form the basis of association work. Without it the superintendent must necessarily be a stranger to the needs of his schools, and will not be able to advise school boards wisely, or to direct the work of teachers intelligently.

3. To direct, after proper examination, the district board to make any alteration and repairs which shall, in his opinion, be necessary to the health, comfort and progress of the pupils, and to abate any nuisance in or upon the premises, provided the same can be done at an expense not exceeding twenty-five dollars.

4. To make an order in concurrence with the chairman of the town board in which any school-house is situated which they shall deem unfit for school purposes and not worth repairing, declaring such fact and reciting the reason therefor. They shall deliver such order to the clerk of the district and transmit forthwith a copy thereof to the clerk of the town and also to the state superintendent. Such order shall take effect from its date unless within thirty days after it is delivered to the district clerk the same shall be reversed by the state superintendent for cause shown; and from the time said order shall take effect the district shall not share in any apportionment of the school fund income for any school kept in any building so declared to be unfit for school purposes.

5. To report annually to the board of supervisors of his county the condition of the schools under his supervision.

6. To receive from the town, city or village clerk the abstracts of the reports of the district clerks required to be made by law and to transmit the same to the state superintendent; and before the first day of May in each year to transmit to the state superintendent the name and postoffice address of each town clerk in his district, and from time to time such other facts relating to education in his district as the state superintendent shall require.

7. To organize and conduct at least one institute for the instruction of teachers in each year, and to advise in all questions arising under the operation of the school laws in his district.

**Teachers' county institute fund.** (Chapter 476, Laws of 1905.) SECTION 1. There is hereby appropriated from the general fund in the state treasury the sum of nine thousand dollars, which shall be known as a teachers' county institute fund and shall be used under the direction of the county or district superintendent in defraying the necessary expenses of conducting annually one or more teachers' institutes for the instruction of the teachers of his county or district in school management, in methods of teaching, and in the branches taught in the common schools, and in compensation for lectures at such institutes when said lectures are given by other than the conductors or the county or district superintendent.

SECTION 2. No money shall be paid by the county or district superintendent of schools for the services of any instructor or lecturer or to any person from this county institute fund, un-

less said person is the holder of a certificate signed by the state superintendent, certifying that the committee on institutes of the board of regents of normal schools approve of such person as a competent institute conductor.

SECTION 3. The sum provided for in section 1 of this act shall be distributed among the counties of the state in just proportion to the number of teachers actually required and employed in the territory under the supervision of the county or district superintendent in giving instruction in the schools of said county or superintendent district for a term of not less than seven [eight] months during each year, unless failure to maintain such school or schools for such term shall have been caused by the destruction of the schoolhouse or by the order of the school district board, or the local or state board of health, on account of the prevalence of contagious disease.

SECTION 4. The county or district superintendent of schools shall between the first and tenth days of July in each year make a statement upon oath to the state superintendent, giving the exact number of teachers in all the public schools of his district when they are all in session. When the sworn statements from all the county or superintendent districts have been received it shall be the duty of the state superintendent to apportion the fund mentioned in section one of this chapter, among the different counties of the state in proportion to the number of legally qualified teachers actually engaged in teaching under the provisions and restrictions of this chapter, and certify said sum to the secretary of state, who shall thereupon draw his orders upon the state treasury in favor of the different county or district superintendents for the sum so certified.

SECTION 5. The county or district superintendent shall keep an itemized account of all the expenditures made from the fund in his superintendent district; said account to accompany the statement provided for in section 4 of this act.

8. (As amended by Chapter 290, Laws of 1901.) To divide his district into examination districts bounded by town lines and containing not more than four towns each when the number of schools in his district, including graded schools, shall exceed one hundred and fifty; but to form not less than four examination districts if the number of schools is less than one hundred and fifty; not less than three if the number is less than one hundred; to hold in each examination district in each year, at least one meeting for the examination of teachers, and at least three others at intervals of three months, at the county

seat or some convenient and central place in the county, two of which shall be in first and second grade branches; provided, the county superintendent, by and with the advice and consent of the state superintendent, may modify the number and boundaries of the examination districts, the number of examinations in first and second grade branches, and may fix the times and places for holding the examinations for second and first grade certificates; to furnish each district clerk in the same a written notice of each meeting, to be posted by him in some conspicuous place in the district. Such notice shall contain the names of the towns embraced in the examination district to which it relates, and the time, place and objects of the meeting. The examination of the teachers shall be uniform in the superintendent districts, shall be public and shall be conducted by oral and written questions and answers. Whenever for any cause satisfactory to the county superintendent any person desiring a certificate as a teacher shall be unable to attend upon such examinations he may be examined at any time fixed by him, and if found qualified by law to teach may receive a certificate of the proper grade, which shall remain in force until the next regular examination in such inspection district.

**School board conventions.** (Chapter 222, Laws of 1909, amending Chapter 105, Laws of 1905.) 9. The county or district superintendent of schools shall annually call and hold at least one school board convention for his superintendent district, at the county seat or some other convenient place, for the purpose of consultation, advice, and instruction upon matters pertaining to the management of the schools. The county superintendent may determine the number of days each convention shall be in session, provided no convention shall be held for more than two consecutive days. Each district clerk shall, and the director and treasurer may, attend such convention. Each member present shall be allowed two dollars for each day's attendance at the convention, provided his certificate of attendance shall show that he was present at each session of the convention, and mileage at the rate of three cents per mile each way, going and returning to and from said meeting, said sum to be paid from any moneys in the school district treasury not otherwise appropriated. Such per diem and mileage shall be in full payment of all expenses incurred by each member while in attendance at the convention. The county superintendent shall keep a record of the attendance of all

members at each morning, afternoon, or evening session of the convention during the days the convention shall be in session, and shall issue to each member in attendance a certificate setting forth the actual attendance of each of said members, which shall be filed with the school district clerk and serve as a basis or evidence for drawing the necessary warrant upon the district treasury.

**Deputy county superintendent.** (Chapter 321, Laws of 1901.) SECTION 1. The county superintendent of schools of any county or superintendent district may, by and with the consent of the county board, appoint a deputy, provided he has under his jurisdiction not less than one hundred schools. Such deputy shall at the time of his appointment hold at least a first grade county certificate and shall have taught in the public schools of the state for a period of not less than eight months. Notice of such appointment shall be filed with the county clerk, and the county board of supervisors at any regular or at any special meeting may appropriate an annual salary of not more than six hundred dollars for services rendered by such deputy, under the direction of the county superintendent of schools. The deputy shall under the direction of the county superintendent be authorized to perform all the duties now required of the county superintendent, except the certification of teachers. The deputy shall be subject to removal by the county superintendent, notice of such removal to be filed in the office of the county clerk.

**The word "school" defined.** (Chapter 256, Laws of 1909.) SECTION 461s. The singular form of the word "schools" as used in section 461r shall relate to a public school only and shall be construed to be a collective body of pupils assembled in a room which is wholly or principally under the control, management, direction and instruction of a legally qualified teacher who is made wholly or chiefly responsible for the control, management, direction and instruction of such pupils and whose duty it is to keep a complete and special register for such room or department.

**Attendance on convention.** SECTION 461a. The county superintendent shall attend annually at least one convention of county superintendents called and held by the state superintendent for the purpose of consultation, advice and instruction upon matters pertaining to supervision and management of

public schools. His necessary actual expenses for traveling from his residence to the place of holding the nearest and most accessible convention and returning thereto and for board and lodging while in actual attendance thereon shall be paid by the county, and bills for such expenses shall be audited and allowed by the several county boards upon the presentation of the same with the certificate of the state superintendent attached thereto showing that the claimant attended such convention for the number of days specified in the bill; provided, not more than one such account shall be paid in each year.

**Not to teach, etc.** SECTION 461b. No county superintendent of schools, except in counties where his salary is less than eight hundred dollars, shall engage in teaching during the term for which he is elected nor engage in any profession or occupation, nor shall he absent himself from the county or district for which he is elected to engage in any occupation, profession or pursuit during the term for which he is elected for such time or in such manner as to interfere with the proper discharge of his duties as such. A violation of any of the provisions of this section shall subject the offender to removal from office.

**Residence and office.** SECTION 461c. When a county seat is located in an independent city having a separate superintendent of schools or a county shall be divided into two superintendent districts, the county superintendent may reside in such county seat and keep an office in the public building or other place provided therefor by the county.

**County superintendent—Eligibility.** SECTION 461cc. (Chapter 46, Laws of 1905.) A person shall not be ineligible to the office of county superintendent of schools on account of residence in cities of the third and fourth class within the territorial limits of any such district.

**Superintendent's report.** SECTION 461e. The county superintendent shall annually make and file with the county clerk a statement, verified by his affidavit, giving the names of all persons examined by him since the beginning of his term or since the date of his last statement, together with the dates when such persons were examined. He shall also embody in such statement the names of all persons to whom certificates have been issued upon papers written in another superintendent-

ent's district and the dates when such certificates were issued and also the names of all graduates of high schools whose diplomas he has countersigned, together with the dates of countersigning. At the expiration of his term of office he shall file with the county clerk a similar sworn statement, covering the time from the close of his last regular series of examinations to the close of his term, and shall embody in such statement a summary, giving the number of persons in each of the three classes herein named and of all the persons so reported by him to the county clerk during his term of office.

**Teachers' examination fee abolished.** (Chapter 52, Laws of 1905.) SECTION 1. Chapter 27 of the statutes of 1898 is hereby amended by striking out sections 461e, 461f, 461h, 461j also by striking out all of section 461g after the word "office" where it first occurs in line fifteen of said section.

SECTION 2. Renumber sections 461g, 461e, 461i, 461f; 461k, 461g.

The sections named in this chapter related to the care and use of examination fees paid by teachers.

**Institute instructors.** SECTION 461f. No money shall be paid for services rendered as an instructor in any institute to any person unless he holds a certificate signed by the state superintendent certifying that the committee on institutes of the board of regents of normal schools approves of said person as a competent institute instructor. Nor shall any person be employed by any county superintendent as institute conductor or lecturer who is engaged in publishing text-books or dealing in school supplies or who is an agent or employee of any individual or company thus engaged, or who is proprietor or manager of or in any way pecuniarily interested in any teachers' employment agency or bureau; nor shall the committee on teachers' institutes of the board of regents of normal schools approve of any such person for service in institutes provided for in section 461f, (now Chapter 476, Laws of 1905), nor shall any such person be employed as instructor or lecturer in any institute supported in whole or in part by the state.

**Superintendent's duty as to deaf and blind children.** SECTION 461g. It shall be the duty of each county and city superintendent of schools to send to the superintendent of the state school for the deaf at Delavan and to the superintendent of the state school for the blind at Janesville the address of

parents with the name and age of each deaf or blind child known to be in his county or city, and to inform parents, guardians and custodians of deaf mutes and blind children in his county or city respecting the several schools for deaf mutes and the blind in the state and the conditions of admission to them; and for this purpose the superintendents of such institutions shall provide each such superintendent with sufficient printed information and with the names and residences of all deaf mutes and blind children known to be in his county or city. And each such superintendent shall include in his annual report to the county board of supervisors or the city board of education a statement of the number of deaf mutes and of blind children of school age in such county or city then receiving an education, or the number of each not receiving an education, and of the number of personal visits he has made during the year upon the parents, guardians or custodians of such children to induce them to give such children a proper education.

**Examination for superintendents' certificates.** SECTION 461L. The board of examiners for state certificates shall, at the time of holding the regular examinations provided for by law, examine all applicants for the county superintendent's certificates herein provided for, upon the branches upon which examination is now required for a first-grade county certificate, and also upon school law and the organization, management and supervision of district schools. Such board shall, in addition to the examination provided for by law, hold in the month of July in each year three such examinations simultaneously at three different points in the state, to be determined by the state superintendent, which shall be chosen with reference to the accommodation of applicants in different parts of the state. Each of the three examinations shall be held under the supervision of a member of the board of examiners, but the scope and character of the examination shall be previously determined by the board of examiners and the state superintendent. Printed questions shall be prepared on each subject upon which the applicant is required to be examined, and the board of examiners shall examine the papers written by applicants and file all papers so written in the office of the state superintendent. All persons passing such examination to the satisfaction of such board, and who shall furnish satisfactory testimonials of moral character to the board, shall, upon its recommendation, receive from the state superintendent the county



superintendent's certificate, which, together with the eight months' experience in teaching in the public schools provided for in section 702a, shall constitute a legal qualification to hold the office of county superintendent of schools. It shall also legally qualify the holder to teach in any public school in the state for which a first-grade county certificate is a legal qualification. Such certificate shall remain in force until revoked by the state superintendent according to law. The provisions of law for payment of expenses and per diem of members of the board of examiners while conducting examinations for state certificates shall extend to the examinations herein provided for.

The certificate provided for by this section, together with eight months' successful experience in teaching, constitutes a legal qualification to hold the office of county superintendent. It also legally qualifies to teach in any public school in the state for which a first grade county certificate is now a legal qualification, and remains in force during the life of the holder, unless sooner revoked by the state superintendent. It also qualifies the holders as principal of any state graded school. See comment under section 702a.

An applicant for the county superintendent's certificate will be permitted to begin his examination at any regularly appointed meeting, but must complete it before the corresponding examination in the ensuing year. Within the time herein fixed, re-examination will not be required upon branches in which a satisfactory standing has been attained.

Satisfactory written testimonials of moral character must be furnished to the examiners at the time of the first examination.

## V.—REPORTS.

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**Report of district clerk.** SECTION 462. It shall be the duty of the district clerk, between the tenth and fifteenth days of July in each year, to make and transmit to the town, city or village clerk a written report, dated on the tenth day of July of such year, signed by him and verified by his affidavit, showing:

First. The number, names and ages of children, male and female designated separately, over the age of four and under the age of twenty years, residing in the district, and the names of their parents, guardians or other persons with whom such children resided, respectively, on the last day of June preceeding. But no such children residing in, held or cared for at any charitable or penal institution of this state shall be included in such enumeration or report; and whenever the state superintendent shall receive information that any such children have been enumerated in the school census of any school district included in the reports made to him, on the basis of which apportionment of money from the school fund income is made, he may require from the district clerk or the secretary of the board of education of said district a verified statement of the whole number of children of school age residing in the district not excluded by the provisions of this section, in such form and manner as the said superintendent may prescribe. Unless the certificate herein provided for shall be made no money shall be apportioned for the benefit of said school district.

Second. The whole number of children, males and females designated separately, between the ages of four and twenty years taught in the district school during the year for which such report is made by teachers duly qualified.

Third. The number attending school during the year under the age of four and the number over the age of twenty years.

Fourth. The whole time, in days, any common school has been taught in the district, including holidays, and the whole number of days such school has been taught by teachers qualified according to law, including holidays, and the days the teachers may have attended an institute during the year while the school was in session for which no deduction in wages was made by the district board.

Fifth. The names of all teachers employed during the year, the number of days taught by each, including holidays, and the monthly wages paid to each, and the time allowed any teacher for attendance on any institute for which no wages were deducted.

Sixth. The amount of money received from the town treasurer during the year, designating separately the amount received from apportionment of the school fund income, the amount received from tax levied by county board of supervisors, the amount received from tax voted by the district, and the amount received from all other sources during the year, and the manner in which the same has been expended, showing separately the expenditure of school money received from the state.

Seventh. Such other facts and statistics in relation to the schools, public or private, in such district as the state superintendent may from time to time require. The clerk of each joint school district shall report to the town clerk of each town a part of which is embraced in such district the number of children residing in such part in the manner set forth in this section, and the remainder of the items specified in this section shall be embraced in the report made to the town in which the schoolhouse is situated. He shall also report the amount of the indebtedness of the district.

**Annual reports—School district clerks to meet with town clerks.** (Chap. 441, Laws of 1907, amending 462a, statutes of 1898) SECTION 462a. In addition to the duties of the clerks of the several school districts of the state relating to taking the census of the school children as now provided by law said clerks shall also report the names of the children in their respective districts and the age of each of them over the age of four and under the age of twenty years. School district clerks shall also meet with the town clerk of the town in which the schoolhouses in their respective districts are located at a time and place specified in a notice given by the town clerk, for the purpose of perfecting the annual school district reports. Such

clerks shall also report the amount of the indebtedness of their respective districts.

The purpose of this amendment to section 462a is to not only secure reports more nearly complete from the different districts and to prevent errors, but it is also hoped that hereafter all reports will be more promptly placed in the hands of the county superintendent. One faulty or delayed district report not only delays the town clerk's report but it also delays the work of the county superintendent and oftentimes the compilation of reports in the state superintendent's office.

The annual report of the district clerk to the town clerk is of special importance, as it forms the basis upon which all public money is apportioned and also furnishes the information that guides the legislature in subsequent enactments. The greatest care must be exercised by clerks of joint districts in order that the children in some part of the district are not reported or counted twice; once to the clerk of the town in which the schoolhouse is located and also to the clerk of the town in which the other part of the district lies. This is a criminal offense. See sections 4549-4550.

For the purpose of securing accurate and complete information, blanks are prepared by the state superintendent and are transmitted to district clerks through town clerks. Specific instructions are printed on these blanks to aid in collecting and reporting the required items. A thorough study of them should be made in connection with the provisions of this law prior to making the report. No effort should be spared to obtain and report every item for which the blanks provide.

The law requires the name and age of each child who has passed the fourth anniversary of his birthday, and has not reached the twentieth, to be reported; also the names of their parents, guardians or other persons with whom they resided on the last day of June preceding. These are items that can be obtained with certainty only by a visit to each family in the district. The law requires the clerk to take the census in this manner. In the enumeration of children mere boarders and lodgers are not to be included; but persons who devote a part of their time to service to pay for their board and lodging while the rest is spent in attendance at school, and who have no other legal residence, are considered members of the families with which they reside. Children of school age who may be employed for a limited time in one district and whose parents reside in another district are to be included in the census of the district in which their parents reside. Care should be taken that the same children are not enumerated in two districts. (See comments on sections 428 and 430.)

The clerk of a joint school district must report in the manner above stated the number of children of school age residing in each part of his district to the town clerk of the town in which such part is situated. A partial report blank is furnished for this purpose. To avoid reporting the same child to more than one town clerk, the census of each part of a joint district should be taken upon a separate blank which, when completed, should be sent to the clerk of the town in which such part of the district lies. In no instance should the whole number of children in a joint school district be reported to any one of the town clerks to whom a report is made.

Several items are required for the annual report, which are to be obtained from the school register, among which are the number of children that have attended school during the year, the whole number of days school was taught by a legally qualified teacher, the whole number of days of attendance of pupils at school, etc. To facilitate the work of making the annual report, clerks should see that the register is properly kept and the footings made at the close of the term. Sec-

tion 460 provides a remedy, a resort to which may be had in case the teacher refuses to perform his duty.

The clerk's annual report must contain an exact summary of the financial report which section 444 requires the treasurer to make at the annual meeting. This report includes all items of receipts and all items of expenditures made during the year ending on the thirtieth day of June preceding. The proper test of its correctness consists in comparing the sum of the items of receipts with the sum of the items of expenditures. Their difference should equal the amount of money on hand on the date mentioned above. Unless this is true, the statement is wrong, and should be corrected before transferring it to the report blank.

Reports should be in the hands of town clerks as early as the fifteenth of July. Any failure to make the report within the time specified, results in great inconvenience to the officers through whose hands it must pass, and subjects the school district to the risk of forfeiture of its claim to public money. When the failure to comply with the requirements of the law relating to the annual report is due to wilful neglect of the clerk, he becomes personally liable to the district for the loss suffered in consequence of his neglect. (See section 498.)

To entitle a district to share in the apportionment of the school fund income, it must be shown that at least eight months' school, of twenty days' each, taught by a legally qualified teacher, was maintained during the preceding year. Legal holidays are included. These are New Year's day, the twenty-second of February, the thirtieth of May, the Fourth of July, Labor day, Christmas day, and Thanksgiving days appointed by national or state authorities. Section 2577, W. S., provides that whenever a legal holiday falls upon Sunday, the succeeding Monday is a legal holiday. When a legal holiday occurs on Saturday or during vacation, it cannot be counted as a day taught. (See comment on section 459.)

**Reports—Town clerks to make to county superintendents.** (Chapter 185, Laws of 1907, amending section 463, Statutes of 1898.) SECTION 463. Each town clerk shall, on or before the first day of August in each year, make and transmit to the county or district superintendent of the county or district in which his town is situated *two* copies of a report, stating:

(1) The whole number of school districts separately set off within the town, and the number of parts of joint districts in which the schoolhouses belonging thereto are located in his town.

(2) The districts and parts of districts from which reports shall have been made within the time limited for that purpose.

(3) The length of time a school shall have been taught in each such district or parts of districts.

(4) The amount of public money received in each.

(5) The number of children taught in each and the number of children over the age of four and under the age of twenty years residing in each.

(6) The whole amount of money received in the town for

school purposes since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board, and the amount raised by the town at its annual meeting in towns where the township system of school government has been adopted.

(7) The amount of money raised by district tax for school purposes.

(8) The manner in which said moneys have been expended and whether any and what part remains unexpended, with such other information as the state superintendent may require and as may be reported to him by the district clerks.

This chapter requires the town clerk to send two copies of his annual report to the county superintendent instead of one as heretofore. After the county superintendent has verified the statements as filed by the town clerk from the reports of the school district clerks sent to him, one copy of this report is to be forwarded to the state superintendent by the county superintendent.

In towns which have adopted the "township system of school government," the report required in the foregoing section will be made by the "secretary of the town board of school directors, as provided in section 537 of the Wisconsin statutes, upon the same blanks as are used by town clerks in other towns."

**Superintendent's report.** SECTION 464. Each county superintendent shall, on or before the fifteenth day of August in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his district, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and also embracing an abstract of the annual report of the secretary of each free high school in such district and of each secretary of town board of school directors of towns having the township system of school government, and of the clerk of each incorporated village and city under his supervision. Each county superintendent shall also, within the time above mentioned, make and deliver to the county clerk and to the county treasurer a written statement of the whole number of children in each town, village and city under his supervision over the age of four and under the age of twenty years returned from the districts which have maintained schools for six [eight] or more months during the past year as appears from the reports of town clerks.

**Reports from cities and villages.** SECTION 465. The clerk of each city and village or the clerk of the board of education of each city and village under the jurisdiction of the

county superintendent shall, within the time prescribed, make and transmit to him the reports required by section 463; and in all cities having a superintendent of schools and which are not under the jurisdiction of a county superintendent, such superintendent of schools shall make the annual report required by said section directly to the state superintendent; and in such cities having no superintendent of schools such report shall be made by the clerk of the board of education thereof.

The clerks of cities (under county superintendents) and of villages use the same blanks as town clerks and compile the reports of the district clerk or clerks.

**Blanks and amendments to laws.** SECTION 466. The state superintendent shall, on or before the first day of June in each year, furnish to each clerk, superintendent or other officer by whom a report should be made, blank forms upon which such officers shall make their annual reports; and whenever any amendments shall be made to the provisions of this chapter he shall furnish a copy of such amendments to every school district in the state.

## VI.—DUTIES OF TOWN, VILLAGE AND CITY OFFICERS AS TO PUBLIC INSTRUCTION.

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**Clerk's duties.** SECTION 467. It shall be the duty of the town clerk:

1. To report to the county superintendent within ten days after his election or appointment his name and postoffice address, and likewise the name and postoffice address of each district clerk within ten days after the same are filed in his office.

See Form No. 28.

2. To see that the annual reports of the several district clerks are made correctly and in due form; to file and safely keep all reports whatsoever made to him and all orders and notices of the town board relative to any school district.

3. To record such description of school districts, and such orders concerning the organization, alteration or dissolution thereof as shall be made by the town board.

4. To make and keep in his office a map of the town, showing the exact boundaries of all the school districts therein as appear from the records on file, and when a new district is formed to make and furnish a map thereof to the district clerk.

5. To apportion the school money collected by the town and that received from the state for the several school districts of the town on the third Monday of March each year, or as soon as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town as provided in these statutes.

See Form No. 27.

Further duties of the town clerk in regard to the apportionment of school money will be found in sections 558 and 559.



**Treasurer's duties.** SECTION 468. It shall be the duty of the town treasurer:

1. To apply for and receive from the county treasurer all moneys apportioned for the use of common schools in his town and to pay the same together with all moneys collected in the town for the support of the schools, to the treasurers of the districts entitled to receive them upon the order or apportionment of the town clerk.

2. To pay to the district treasurer on demand all school district taxes raised in each district and collected by him, and the amount of all school district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been paid to him by said county treasurer or whenever he shall receive credit from the county treasurer for such delinquent tax or any part thereof on account of any demand or claim due from such town to such county.

3. On or before the second Monday of March in each year to certify to the town clerk the amount of school money in his hands to be apportioned by said clerk, and immediately upon the receipt of any money from the school fund income to certify the same to the said clerk for apportionment.

(Subdivision 4, Sec. 468, Statutes of 1898, as amended by Chap. 119, Laws of 1901.) On the second Monday in June in each year to make and forward to the clerk of each school district in whole or in part in his own town a certified statement of the amount of money paid by the town treasurer during the year next preceeding to such district treasurer, specifying the date and amount of and the account upon, which each such payment was made.

5. If the county treasurer shall neglect or refuse to pay over the school money which by law should be paid to the town treasurer, he shall commence and prosecute an action on the official bond of such county treasurer for the recovery of such money.

The town treasurer shall hold, subject to the order of the several district treasurers of his town, all district taxes collected by him. Also all money raised by taxes levied upon the town by the county board of supervisors, and all money raised by the town in addition thereto, and pay the same over to the several district treasurers, according to the apportionment made by the town clerk under the law. He will also receive from the county treasurer the amount apportioned by the state superintendent to his town, out of the income of the school fund, and pay the same over to the district treasurers, accord-

ing to the apportionment made by the town clerk. The town treasurer shall also receive all money paid on account of delinquent taxes, and pay the same over to the proper district treasurers. No school taxes except delinquent taxes will be returned, if the law is complied with.

It is the duty of the town treasurer to notify the town clerk of any money which he holds subject to apportionment by said town clerk, and to inform district treasurers promptly of any funds in the town treasury belonging to the respective districts.

District treasurers are not required to accept any taxes or school funds from the town treasurer in anything but cash.

The certificate required to be made on or before the second Monday in March, in each year, must state specifically the several amounts received from town and county tax, and the amount of income unapportioned which remains in the town treasury; it must also include any money apportioned the previous year, which has not been paid over to the district treasurers. Reference is here made to section 557.

The purpose of the certified statement to the district clerk of the amount of money paid by the town treasurer during the year next preceding, to the district treasurer, is to give the district clerk the data upon which settlement with the district treasurer can be made in time for report at the annual meeting. As the annual meetings are now held on the first Monday in July, the statement should be furnished earlier as the law now demands. The treasurer can not lawfully charge or retain any fee or percentage on any money which he pays out or which comes into his hands from any state apportionment or from any donation or loan from any source. See sections 4549-4550.

## VII.—ASSESSMENT AND COLLECTION OF DISTRICT TAXES.

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**Assessment.** SECTION 469. All school district taxes, unless otherwise specially provided by law, shall be assessed on the same kind of property as taxes for town and county purposes, and all personal property which, on account of its location or the residence of its owner, is taxable in the town shall, if such locality or residence be in the school district, be likewise taxable for school district purposes.

**Valuation of realty.** SECTION 470. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

**Equalization of taxation in joint school districts.** (Chapter 90, Laws of 1907, amending chapter 307, Laws 1905, amending section 471, Statutes of 1898.) SECTION 471. 1. The relative valuation of taxable property in the several parts of any joint school district shall not be equalized except as herein provided. At any time prior to the tenth day of July of any year any three freeholders resident in that part of any town, city or village forming a part of any joint school district, may file with the clerk of such district a petition praying for an equalization of the relative valuation of taxable property in the several parts of such district. The clerk shall thereupon and prior to July 20th of such year notify in writing the assessor of every town, city and village in part embraced in such district.

2. The said assessors shall meet at the district schoolhouse with their respective assessment rolls at two o'clock in the afternoon of the last Saturday in July, thereafter for the purpose of comparing and investigating the assessed valuation of the taxable property in the several parts of such district separated by town, city or village lines and shall determine whether the assessed valuation of such property on the assessment rolls be just or not.

3. If considered unjust, they shall determine the relative aggregate valuation of said property in the parts of the district in the several towns, cities or villages comprising it and the proportion of district taxes to be levied upon the property in each of the several parts. If necessary, the assessors may view and inspect the taxable property in the different parts of the district and may examine the owners and other persons under oath as to the value thereof. The school district clerk shall attend such meeting and keep a record of the proceedings. A majority of such assessors shall constitute a quorum for the performance of the duties prescribed in this section.

If any assessor shall be absent from such meeting in attendance upon a like meeting in some other joint district, and shall give information of the fact to such clerk, or if for other reasons there shall be no quorum of assessors, the meeting shall be adjourned to such time as may be necessary to enable all or a majority of such assessors to be present; and in such case the clerk shall give notice of such adjournment to each assessor not then present in time to enable him to attend such adjourned meeting. Further adjournments may be taken if necessary, until the duties imposed by this section shall have been performed; and if for any reason there shall be failure to perform such duties without adjournment to a fixed time, the clerk shall call another meeting at a time fixed by him; provided, that final action by said assessors under this section shall be taken not later than the first day of November in the same year. The town, city and village clerks shall allow the assessors to take and use the assessment rolls in the discharge of their duties under this section.

5. If the assessors cannot agree, they shall call to their aid the chairman of the town, the president of the village or mayor of the city so in part embraced in the district, and if the last named officers with the assessors cannot determine the valuation of the property and the proportion of taxes to be

levied thereon, they shall call to their aid the chairman of an adjoining town whose vote shall decide the controversy. The determination, when made shall be certified in writing to the district clerk.

6. If any assessor or other officer shall refuse or neglect to perform the duties hereby imposed, or to act when called upon as herein provided, he shall forfeit not less than ten nor more than one hundred dollars.

This chapter is of large interest to the electors and officers in joint school districts. It repeals the act of the legislature of 1905, which made it the duty of the district clerk of every joint district to call a meeting of the assessors of the different municipalities, parts of which were comprised within the joint district limits, for the purpose of equalizing the assessed valuation of the real and personal property as between the different parts. While this law was effective in its operation, there was much complaint that it was too expensive; that in many cases there was no change to be made in the assessed valuations and that it made a large and unnecessary drain upon the joint district treasury. This chapter practically does away with those features. Hereafter joint meetings of the assessors and clerks will be held only when the application provided for above is made. The clerk will not be entitled to any compensation and the assessors must rely for their compensation upon the treasuries of their respective towns, and the equalization when once made under this act will continue to be the basis for apportionment of school tax levy until a new equalization is petitioned for and made.

**Statement as to taxes.** SECTION 472. Each district clerk shall, on or before the third Monday of November in each year, deliver to the town clerk a statement in writing, verified by his affidavit, showing the amount of taxes voted to be raised at the last annual meeting or at the first meeting after the organization of the district, or both, as the case may require, and all of the taxes voted at any special meeting held during the then next preceding year, and also the amount of tax therefor voted to be collected in such year, if any, for the annual payment of any loan, and also the amount to be paid by such district, if any, under the provisions of section 421. In case of a joint district he shall deliver to the clerk of each town, city or village in which any part of the district is situated, a statement so verified showing the proportion of such taxes to be assessed in that part of the district within such town. If such proportion shall not have been determined as provided in the last preceding section it shall be ascertained from the valuation contained in the last assessment rolls of the respective towns, city or village; and to that end the clerk of each such municipality shall, on or before the last Monday in September in each year, deliver to the district clerk a certified statement of the valuation of the

real and personal property in that part of such district lying therein as the same appears from said assessment roll.

See Forms Nos. 30 and 31.

**Assessment by town clerk.** SECTION 473. The town clerk shall assess the taxes so certified upon the property liable thereto, placing the same in a separate column in the next tax roll of his town, whenever so certified, before he shall have delivered the roll to the town treasurer for collection, although after the third Monday in November; if any such shall not be assessed in the next tax roll after being voted it shall be assessed in that of the next succeeding year. Such taxes shall be collected or returned delinquent by the town treasurer and collected by the county treasurer in all respects like other taxes.

Upon the delivery to him of such statement, the town clerk should give the district clerk a certificate that he has received the same, stating the amount of the tax, and the time when received, which certificate should be filed in the office of the district clerk.

The law contemplates that in joint school districts the district taxes shall be apportioned between the several parts of the district lying in different towns, not on the basis of valuations fixed by the *assessors* of such several parts, *but on the basis of the equitable relative valuation of such several parts, to be ascertained and determined by the assessors in joint meeting as directed in said section 471.*

## VIII.—BORROWING MONEY.

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**When; security.** SECTION 474. Whenever upon any unusual exigency any school district shall, before the annual meeting, vote a special tax to be collected with the next levy, the district may by vote authorize the district board to borrow, for a period not exceeding one year, a sum not exceeding the amount of such tax, and by such vote set apart such tax when collected to repay such loan; and thereupon the district board may borrow such money of any person, and on such terms, and execute and deliver to the lender such obligation therefor and such security for the repayment, including a mortgage or pledge of any real or personal property of the district subject to the directions contained in the vote of the district, as may be agreed upon and not prohibited by law.

The district may, at any time before the annual meeting, upon any unusual exigency, vote a special tax to be collected with the next levy (notice of such purpose being duly given, as provided in section 427), and the district may authorize the board to borrow the same amount for immediate use.

**Loans for buildings; how authorized.** SECTION 475 (as amended by Chapter 172, Laws of 1905).

SECTION 475. For the purpose of aiding in the erection of a school house any school district, whether organized under general law, special law or charter, may, by vote of the electors at any annual or special meeting, called for that purpose authorize the district board, school board or board of education to borrow money, to an amount which shall not in any way exceed the limitations now provided by general law. The resolution to be voted upon shall be in writing, specifying the amount to be borrowed, the rate of interest, and the time and manner of payment, which shall be in annual installments, or otherwise, the last of which shall be payable in not exceeding fifteen years from the first day of February next ensuing. Such resolution

shall be read to the meeting and the vote taken thereon by ballot. The ballots shall be written or printed, those in favor of the loan: "For the loan," those opposed: "Against the loan." The resolution and the vote shall be recorded, and if adopted by a majority, the district board, school board or board of education shall be thereupon authorized to borrow such sum of any person on such terms, and execute and deliver to the lender such obligation therefor and such security for payment, including a mortgage or pledge of any real or personal property of the district, subject to the direction contained in the resolution voted, as may be agreed upon, not prohibited by law, and shall also levy a tax to be annually collected thereafter, sufficient to pay the interest annually on such loan and the annual installments of the principal, provided to be paid in each year.

Any bonds issued by any such school district, to secure any loan which bonds shall have been issued in conformity to law, including the provisions of this section, as amended, are hereby declared to be and are valid claims and liens against the school district so issuing the same.

**Use of funds—Vote final.** SECTION 476. The money borrowed under authority of either of the last two preceding sections shall be paid into the district treasury and be expended only for the purposes for which it was voted or borrowed. After any such loan shall have been made no power shall exist to rescind or reconsider any such vote or obstruct the collection of such tax; and the district treasurer shall apply every such tax when received by him exclusively to the payment of such debt so far as necessary to discharge the amount to which such tax was devoted.

The special provisions of the law as to borrowing money to aid in building a schoolhouse, should be carefully examined and complied with; likewise those contained in the last preceding section, which apply to both the sections preceding it. Particular care should be taken to notify the electors, as provided in section 427, and every opportunity should be given for a fair and full expression of the will of the people.

The resolution to be voted on at the meeting should be carefully drawn up. The district board has no authority to levy a tax except as provided in sections 435a, 437, and 539 except in cases of free high school districts.

**Loan to refund indebtedness.** SECTION 476a. Any school district may, by vote at an annual or special meeting, authorize the district board to borrow money for the purpose of refunding its indebtedness. A written resolution shall be read at such meeting specifying the amount to be borrowed, the rate



of interest and the amount of each installment of principal and time when it shall be paid. The last installment shall be payable in not exceeding twenty years from the time the indebtedness was originally contracted. The vote on such resolution shall be taken by ballot, and voters favoring its adoption shall cast a ballot on which shall be the words "for the loan," those opposed a ballot on which shall be the words "against the loan." If a majority of the votes cast are in favor of the loan the board may borrow the specified amount on such terms as may be agreed upon conformably with such resolution and not prohibited by law, and execute the bonds or other obligations of the district for such sum. The district shall levy a tax to be collected annually thereafter sufficient to pay the annual interest on such loan and the installment of the principal to be paid in any year. After any such loan shall have been made such vote shall not be rescinded or reconsidered, nor shall the collection of such tax be obstructed, and the tax when collected shall be applied exclusively to the payment of such indebtedness. The money so borrowed shall be paid to the treasurer and shall be expended solely for the purpose for which it was borrowed.

This law relates only to refunding loans previously made, not to loans made in the first instance by school districts, and authorizes such districts to extend the period for twenty years during which the loan is to be paid.

**Borrowing money for teachers' wages, etc.** SECTION 1. (Chapter 40, Laws of 1901.) Any school district may, by vote, at any annual, or lawfully called special meeting, authorize the district board to borrow money for a period not exceeding six months for the purpose of paying teachers' wages and usual school expenses, not exceeding the amount of district taxes voted for such purposes at such meeting, to be collected with the next levy.

SECTION 2. Any district board, after being so authorized may borrow such money of any person for not exceeding six months, and deliver to the lender thereof an order on the district treasurer for the amount so borrowed, payable on or before six months after date thereof and drawing interest from date thereof not exceeding seven per cent. per annum.

(Chapter 342, Law of 1901.) For the purposes expressed in section 474 of the statutes of 1898 and chapter 40 of the laws of 1901, any high school district board is hereby authorized and

empowered to borrow money whenever directed by the electors of such high school district assembled at a meeting regularly called and held for that purpose, pursuant to the provisions of section 427 of the statutes of 1898. The payment thereof shall be provided for by said board by a tax to be raised and certified as provided in this section.

This chapter provides for a special meeting of the electors of a free high school district and gives them power to authorize the high school board to borrow money to be applied to carrying on the high school only. This chapter will also be found in that part of this volume treating of the high school law.

**School District Loans—How Made.** (Chapter 216, Laws of 1907, amending section 261, Statutes of 1898, as amended by chapter 129, Laws of 1899 and chapter 123, Laws of 1901.) SECTION 261. Every loan to a school district may be made for such time not exceeding fifteen years, and of such amount as together with all other indebtedness of such district, shall not exceed five per centum of the last preceding assessed valuation of the property in such district, not less than two-thirds of which valuation shall be on real estate, and not exceeding in any case twenty-five thousand dollars, as may be agreed upon; the principal shall be payable in equal annual installments from a time fixed by said commissioners, with interest at a uniform rate of three and one-half per centum per annum, payable annually. No such loan shall be made until proof be filed in the office of said commissioners of the complete performance on the part of such district of each and every act hereinafter required to precede the same.

The provisions of the above chapter should be carefully followed. School officers and parties interested should always recognize that in all cases where a loan is to be made from the trust funds of the state it is absolutely necessary that the proceedings shall be in strict accordance with the statute. If there are any defects or flaws arising through oversight or carelessness, the application will be denied by the commissioners and it will be necessary, if the loan is to be made, to commence all proceedings anew. This tends to increase the irritation and lack of harmony and agreement upon school questions common to some school districts.

The law of 1898 limited the time of loans to school districts to ten years and the amount to ten thousand dollars, and fixed the rate of interest at four per cent. The law of 1899 changed the time to fifteen years and fixed the rate of interest at three and one-half per cent. The law of 1901 raised the amount that may be borrowed by any one district to twenty-five thousand dollars. Carefully study all laws and directions given in this volume for borrowing money before application for a loan is made. All errors must be avoided.

**Borrowing money—Cities.** (Chap. 387, Laws of 1901, amending Chap. 81, Laws of 1899.) All cities of the third and

fourth class operating under a special or general charter, are hereby authorized to levy annually a special tax for school purposes, not exceeding three and one-half mills on the dollar of the assessed valuation of all the real and personal property in said city for that year, in addition to the total tax now authorized to be levied by such cities.

**Loans from the trust funds.** SECTION 1. (Chapter 72, Laws of 1901.) The annual interest and installments of principal of all loans granted hereafter from the trust funds of the state to counties, towns, villages, cities or boards of education and school districts, shall be payable on the first day of February of each year after the granting of such loans.

**Application for.** SECTION 262. Before applying for such loan, every school district shall authorize such application by a vote of a majority of the legal voters of said district voting on such question, and if at a special meeting, the object of such meeting shall be clearly stated in the notice thereof, and such district shall not thereafter rescind said tax, reconsider such vote, or in any wise hinder, delay or postpone the levy and collection of the tax so voted, and shall not expend the money so raised or loaned for any other purpose. Application for such loan shall be made by the district board of such school district in writing, stating the amount required, the assessed valuation of the taxable real property of such district, and the total assessed valuation of the taxable property of such district as shown by the last assessment roll: and if such district be a joint district such assessed valuation in its several parts separately, so that the valuation of so much thereof as lies in each town of which it is a part may be readily known; and the total amount of all the other indebtedness of such district and the facts in detail in respect to the holding of the meeting and passing the votes required as aforesaid, and shall be accompanied by a correct map or plat of such district. Such application and map shall be recorded in the office of said commissioners; and such application and the record thereof and such statement shall be conclusive evidence of the facts therein stated. All such applications shall be acted upon by the said commissioners in the order of time in which they shall be filed.

**Loans to schools under township system.** SECTION 262a. Loans to the board of school directors of any town in which the township system of schools exists shall be made only when ap-

plication therefor shall have been authorized by a majority of the electors of the town voting on the question at an annual town meeting, or at a special town election called and held in the manner provided by law. The question of authorizing an application for a loan shall be submitted in the form of a resolution which shall state the amount for which application shall be made and the time for payment of the loan. The vote on the adoption of such resolution shall be by ballot. The application to the commissioners shall be signed by the president, vice-president and secretary of such board, and the certificates of indebtedness required as evidence of the loan shall be signed by them. The town treasurer shall receive and receipt for the money and pay it out as other moneys belonging to the school fund of the township are paid out, but only for the purpose for which the loan was made. Except as herein provided the statutes governing loans to school districts shall, so far as applicable, control loans made to such boards.

The granting of loans from the trust funds of the state for the purpose of aiding in the erection of school houses is frequently delayed on account of errors and omissions in the application and accompanying papers. To aid school district officers to avoid errors and facilitate the granting of loans, the following statements are given:

1. The law requires that the authority to borrow money must be given by vote at an annual or lawfully called special meeting.

2. That the resolution to be voted on shall be in writing and shall specify the amount to be borrowed, the rate of interest, and the time and manner of payment.

3. The resolution to be voted on shall be read to the meeting and the vote thereon taken by ballot.

4. The ballots shall be written or printed; those in favor, "for the loan;" those opposed, "against the loan."

5. The resolution and the vote shall be recorded.

6. If the resolution is adopted the meeting shall also levy a tax to be annually collected to pay the interest and principal of such loan as they become due.

Section 427. Wisconsin statutes of 1898, gives the law relating to special school district meetings. That statute and the comments thereon should be very carefully studied before any steps are taken toward calling a special meeting for the purpose of securing a loan from the state. In order that the essential points may not escape your notice, they are also placed here:

1. The special meeting must be called on the *written* request of at least five legal voters.

2. Notices for such special meetings must be posted in four or more public places in the district; one of which shall be affixed to the outer door of the schoolhouse at least six days before the date on which the meeting is to be held.

3. If a loan is to be authorized, tax levied, or debt contracted, notice of the meeting must be served on at least three-fourths of the legal voters (men and women), either personally or by written notice left at their place of residence, stating the time and place, and objects of the meeting, and specifying the amount proposed to be voted, at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held.

4. A record of the proceedings of the special meeting should show that every requirement of the statutes has been observed.

The following outline which may be modified to conform to the facts, will serve as a guide to aid in making a sufficient record of the proceedings of the special meeting, and a certified copy of such record must accompany all applications made to the Commissioners of Public Lands for loans from trust funds:

Minutes of the proceedings of a special meeting of.....school district No. .... of the town of ..... in ..... county, Wisconsin, held at the schoolhouse in said district on the.... day of ....., 19....., at .....o'clock in the .....noon.

The meeting was called to order by ..... Mr.....was elected chairman and the school district clerk acted as clerk.

Mr. ...., school district clerk, read an affidavit showing that the meeting was called on the written request of at least five legal voters of the district, and that notices thereof were posted in the manner prescribed for calling the annual meeting, and that at least three-fourths of the legal voters (men and women) had been notified either personally or by a written notice left at their places of residence, stating the time, place and objects of the meeting, and specifying the amount proposed to be voted, at least six days before the time appointed therefor, exclusive of the day on which the meeting was to be held, which said affidavit is in the words and figures following, to-wit:

..... County.—ss.

....., being first duly sworn, on oath, deposes and says that he is the duly elected and acting clerk of school district No. ...., of the town of ..... in ..... county, Wisconsin; that on the ..... day of ....., 19...., a request in writing was filed with this deponent, requesting deponent to call a special district meeting on the ..... day of ....., 19...., at ..... o'clock in the .....noon, which said request is in the words and figures following, to-wit:

(Here give request in full.)

That thereafter on the ..... day of ....., 19...., deponent posted notices in ..... public places in said district, one of which was affixed to the outer door of the schoolhouse in said district, of which the following is a true copy:

(Here give notice in full.)

That on the ..... day of ....., 19.... this deponent notified the following named legal voters of said district personally, by reading the said notice to them:

(Here give names of voters personally notified.)

And on the same day deponent notified the following named legal voters of said district by leaving a true copy of said notice at their places of residence:

(Here give names of voters so notified.)

That the persons on whom such notice was served as aforesaid constitute at least three-fourths of all the legal voters of the district.

Subscribed and sworn before me this .....day of ....., 19..

.....  
Justice of the Peace.

The following resolution was read to the meeting:

"Resolved, That the school district board be and it is hereby authorized to make application for a loan of ..... dollars from the state trust fund, payable in ..... years, with interest at the rate

of  $3\frac{1}{2}$  per cent. per annum, payable annually (See chapter 72, as printed above) for the purpose of building a schoolhouse."

The question being on the adoption of the resolution, a vote was taken by written ballots, which resulted as follows:

For the loan .....  
 Against the loan .....  
 Majority for the loan .....

The following resolution was then offered and adopted:

*Resolved*, That a sum sufficient to pay the interest and principal of the loan as it becomes due, be and the same is hereby levied upon the taxable property of the district.

I, ....., clerk of the school district above named, do hereby certify that the above and foregoing is a true copy of the record of the proceedings of the meeting therein referred to; that I have compared the same with the original record in my custody and that it is a true copy thereof and of the whole of such original record.

Dated ....., 19....

.....  
 District Clerk.

The form of request to the clerk to call a special meeting is given in this connection for the convenience of school officers and electors. The electors may at the meeting vote to borrow a smaller sum than that named in the call but cannot vote to borrow a larger amount.

*Request to District Clerk to Call a Special Meeting.*

To ....., Clerk of ..... School District No..... of the Town of .....

SIR:—You are hereby requested to call a special meeting of the above District on the ..... day of ....., 19.., at ..... o'clock in the .....noon for the purpose of voting on the following propositions, viz.:

1st. To authorize the School Board to make application for a loan of ..... dollars from the State Trust Funds, payable in ..... years, with interest at the rate of  $3\frac{1}{2}$  per cent. per annum, payable annually, for the purpose of building school house.

2nd. To raise by tax a sum sufficient to pay the principal and interest of such loan as it becomes due.

Signed:

.....  
 .....  
 .....  
 .....  
 .....

The form of notice for a special school meeting given herewith is one adopted by the land commissioners, and the district clerk should, as far as possible, make copies to be posted, agree with this form.

It must not be forgotten that copies of the notice must be served upon at least three-fourths of the electors (men and women) of the district, at least six days before the meeting and exclusive of the day on which the meeting is to be held. Any failure to follow the direction given in section 427, of this code, is likely to invalidate all proceedings of the electors at said special meeting.

## (Form of Notice for Special School Meeting.)

NOTICE is hereby given to the qualified voters of ..... School District No. ...., Town of ....., that a special school meeting of said district will be held at ....., in said district on the ..... day of ....., 19...., at ..... o'clock P. M., for the purpose of voting the following propositions, viz.:

1st. To authorize the school board to make application for a loan of ..... dollars from the State Trust Funds, payable in ..... years, with interest at the rate of  $3\frac{1}{2}$  per cent. per annum, payable annually, for the purpose of building school house.

2d. To raise by tax a sum sufficient to pay the principal and interest of such loan as it becomes due.

(Signed) .....  
District Clerk.

Dated .....

**Liability for loans; change of boundaries; taxes; joint districts; officers' duty.** SECTION 263. All the taxable property in any school district which has heretofore obtained or shall hereafter obtain any loan from the state shall stand charged for the payment of the principal and interest thereof; and the boundaries of such district shall not be so altered as to exclude therefrom any land included therein at the time of making such loan, until such loan shall be fully paid, without the consent of said commissioners and upon such terms as they shall prescribe; and there shall be annually levied upon the taxable property of such district, besides all other taxes, a tax sufficient to pay the annual interest and annual installments of principal of such loan, as hereinafter provided. Whenever a joint school district shall make any such loan, the clerk of such district shall notify in writing the town clerks of the several towns of which such district is composed, of such loan and the terms thereof; and thereafter the town clerk of each town shall, on or before the second Monday of September in each year, until such loan be paid, transmit to the secretary of state a statement certified by him of the valuation of all taxable property belonging to that part of such district which lies in his town according to the last assessment roll; or if the same shall have been equalized, as provided in section four hundred and seventy-one, such equalized valuation thereof. The secretary of state shall in every year furnish to the county clerk of each county, in which lies any school district or part of district from which any such payment is to become due the amount to be levied upon such district, or, if a joint district, upon each such part of such district as lies in any town in such county, at the same time that he furnishes that officer a statement of the state tax. In apportioning such tax to the parts of a joint school district lying in sep-

arate towns, the secretary of state shall take, as the true valuations the valuations of the taxable property stated in the application for such loan, until amended by the certified statements aforesaid of the town clerks of all the towns in which such joint district lies. The county clerk, on receiving such statement, shall include the amount due from such district or part of district in his apportionment of state taxes to the town; but it shall be carried out in a separate column and the district from which it is due shall be specified. The town clerk shall charge and carry out such amount on his tax roll to the district or part of district to which it belongs, in a separate column, and the tax shall be collected and paid over with and in the same manner as the state tax.



## IX.—SCHOOLHOUSE SITES.

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**How obtained.** SECTION 477. (Chapter 171. Laws of 1909, amending section 477, Statutes of 1898.) Whenever a school district shall have designated by a majority vote of the electors thereof present at an annual meeting, or at a special meeting called for that purpose, a schoolhouse site, or an addition thereto, and shall be unable to obtain the same on account of the refusal of the owner to sell or lease the same for a just and reasonable compensation, or on account of his being a non-resident or unknown, the district board when directed so to do by a vote of the electors of such district meeting shall make application to the town board of their town to locate and establish the site or any addition thereto so designated; provided that every such schoolhouse site or any schoolhouse site obtained by purchase or grant shall be located and established abutting on a public highway or street, and that no schoolhouse hereafter to be erected shall be erected on any site unless such site abuts on a public highway or street.

**Notice to land owner.** SECTION 478. Whenever any such application shall be made to the town board said board shall make and sign a notice in writing of such application, containing a description of the land upon which it is proposed to locate such a site or addition and the time and place when and where they will meet to decide upon the same. Such notice shall be served or caused to be served by the district clerk upon all the occupants of such land and all the owners thereof who are known and are residents of this state at least six days previous to the day fixed for such meeting. Such notice shall be served by delivering a copy thereof to each such occupant and owner or by leaving the same at their respective residences with some person of suitable age and discretion; and if the owner or owners of said land be unknown to said board or shall reside

without this state then such notice may be served by publishing the same in the newspaper published nearest said land once in each week for six successive weeks next before the said day of meeting.

**Compensation.** SECTION 479. The town board shall meet at the time and place fixed in said notice, and upon due proof of the service of [or] publication of said notice they shall locate and establish such site or addition for said district. They shall cause an accurate survey and description to be made, and fix and award the compensation to be made to the respective owners for the same, including all damages respectively sustained by such owners by reason of such taking of said lands, and within ten days thereafter make out and sign duplicate certificates containing a statement of their action upon such application, an accurate description of the land taken and the amount of compensation and damages awarded to each of said owners, one of which shall be delivered to the occupant or owner of the lands so taken, if known and a resident of this state, and the other together with the proofs of publication or service of said notice and such survey to the clerk of said district, who shall cause said certificate to be recorded in the office of the register of deeds of the proper county: provided, that said board may, in their discretion before agreeing upon their award, adjourn from time to time not exceeding in all ten days.

**Payment.** SECTION 480. The sum of money so awarded by said board shall be paid to the owner of the land upon which such site or addition is located, or in case the owner is a non-resident or unknown, or refuses to accept the money, it shall be deposited with the treasurer of the district to the order of the owner of said land; said district shall not occupy said land without the consent of the owner thereof until such money shall be paid, tendered or deposited as aforesaid.

**Appeal.** SECTION 481. Any person aggrieved by the decision of the town board in the award of damages or otherwise may, within twenty days after filing their duplicate certificate with the clerk of such district, appeal therefrom to the circuit court of any county in which such site or addition or any part thereof is situated, by filing with such clerk a notice of appeal, specifying all the grounds of his appeal and paying to such clerk one dollar for state tax and one dollar for making returns thereto. Within twenty days thereafter such district clerk

shall deliver to the clerk of said circuit court a certified copy of such certificate together with such notice of appeal, with the date of service thereof indorsed thereon and pay to him one dollar state tax; and thereupon the clerk of said court shall enter an action in his court record in which the said appellant shall be plaintiff and the school district defendant. The issue in said action shall be the legality of all the proceedings taken by the school district and town board in taking the lands of the plaintiff for such schoolhouse site or addition thereto which are set forth in the notice of appeal as grounds therefor, and the amount of compensation and damages to which he is entitled therefor. Such issue shall be tried without further pleadings as other issues of fact are tried, and judgment thereon be rendered and enforced as in other personal actions in such court; provided, that when the legality of the proceedings is not made an issue or is sustained and the plaintiff does not recover a larger sum for damages than was awarded to him, he shall not recover but shall pay costs.

**Quantity of land.** SECTION 482. No schoolhouse site shall contain more than one acre unless with the consent of the owner of the land taken therefor. All land so taken against the will of the owner, when it shall cease to be used as a schoolhouse site or addition, shall revert to the original owner, his heirs or assigns; and no land shall be so taken that may not be taken for highway purposes without the consent of the owner thereof.

**Proceedings by joint districts.** SECTION 483. If such application be made by a joint district it shall be made to the town boards of the several towns in which such district is situated, and such town boards shall act together as one board in all proceedings as hereinbefore prescribed.

**Infant's lands, how obtained.** SECTION 484. Whenever any school district shall locate a site for a schoolhouse upon any land owned by an infant or in which an infant has an interest the circuit or county court of the county in which the land is situated may, upon application of the parent or guardian of such infant, authorize such parent or guardian to execute a perpetual lease of such site not exceeding one acre in quantity, and when any such land is held in trust for an infant his trustee may in like manner apply for authority to make such perpetual lease. All such leases shall vest in the lessee the interest of such infant and of his trustee in such land so long as

the same is occupied for school purposes. Such authority shall not be granted unless it shall be made to appear satisfactorily to said court that [the] premises are needed for school purposes, that the said school district is willing to pay therefor a consideration deemed adequate by the court and that the interest of such infant will not be prejudiced by reason of said lease, and before making such order the court shall require the person authorized to make such lease to give a bond to account for and pay over the consideration received therefor as in cases provided by law for the sale of the lands of minors.

The foregoing sections embody the laws in force as to the establishment of school house sites. The town board is to be called upon, not to select or designate a site in any case, but to locate and establish the same or any addition thereto, when the district cannot obtain it on reasonable terms, or because the owner is a non-resident.

All sites now selected must be on a public highway. In cases where school houses are not on a public highway, the supervisors may be compelled to lay a highway to the house. See chapter 318, Laws of 1909.

## X.—LIBRARIES.

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Reference works and miscellaneous books for school use may be obtained in three ways:

First.—Under subdivision 10 of section 430, which gives the school district meeting power to appropriate certain sums of money for the school district library.

Second.—Under section 486, which allows two or more districts to unite in purchasing and maintaining a joint library.

Third.—Under section 486a, known as the township library law. Nearly all the school district libraries of the state have been secured under this law, which has proved the most efficient and has secured the best results.

**Librarian; actions.** SECTION 485. The clerk of the district or such other person as the legal voters shall appoint shall be the librarian and have the care and custody of the district library under the supervision of the district board. All actions relating to such libraries or for the recovery of any penalties lawfully established in relation thereto shall be brought in the name of the proper school district.

**Joint libraries.** SECTION 486. The legal voters of any two or more adjoining school districts may, with the approval of the town board, unite their libraries and library money and may purchase a joint library or additions thereto for such districts, to be selected by the district boards thereof or by such person as they shall designate, and to be under charge of librarians to be appointed by such district boards. Every such joint library and its appurtenances shall be vested in and all actions relating thereto shall be brought in the names of all the districts owning such joint library. In case such district shall desire to divide any such joint library such division shall be made by the directors of the districts owning the same, or by the town supervisors if such directors cannot agree; and any school district may donate and sell any book or books belonging to the district library to the town in which it is situated to form a part of the town library.

**Township libraries.** SECTION 486a. (Chapter 164, Laws of 1909, amending section 486a, Statutes of 1898, as amended by chapter 272, Laws of 1899, as amended by chapter 417, Laws of 1905.) 1. The treasurer of every county in this state shall withhold annually from the apportionment received from the school fund, or other income for school districts, an amount equal to ten cents per capita for each person of school age residing in towns, villages and cities of the fourth class in the county, said money to be expended for the purchase of library books, as hereinafter provided.

2. In the certificate of apportionment of the common school fund made annually by the state superintendent to the county clerk and county treasurer of each county there shall be included a statement of the number of persons of school age in each town, village and city of the fourth class in the county.

3. Between the first days of April and September of each year, the county, district or city superintendent of schools shall provide for the expenditure of all moneys withheld by the county treasurer for the purchase of library books, said books to be selected from the list prepared by the state superintendent and to be distributed among the districts under his supervision the schoolhouses of which are located in his county or superintendent district, in the proportion to the amount of money withheld from each. In case a school district is located in more than one county or superintendent district, the superintendent of the county or superintendent district in which the schoolhouse is located shall provide for the expenditure of the total sum withheld from such joint school district, in accordance with the provisions of this act.

4. The superintendents of any two adjoining counties shall on or before December first of each year by conference or correspondence determine upon the balance of township library money which must be transferred from the treasury of one county to the treasury of the other county in order that the total amount of township library money over which each county superintendent has control for the purposes of this act may be in the treasury of the county of which he is superintendent. The said county superintendents shall thereupon sign and transmit to the county clerks of the two counties concerned, a joint written statement of the balance which is to be paid over from one county to the other, together with a detailed statement of how the balance was determined. The county clerk of the county from which the balance, as above determined, is due, shall on or before March first draw an order upon the county treas-

urer for the amount of said balance and in favor of the county treasurer of the county to which the balance is due. The county treasurer shall forthwith transmit said sum to the county treasurer in whose favor the order is drawn and the latter shall credit it to the township library fund of the county of which he is treasurer. No order from the county board of supervisors shall be deemed necessary to effect this transfer of township library funds as above provided.

5. In case a school district under the jurisdiction of a city superintendent is joint between a city of the fourth class and one or more towns the city superintendent and the county superintendent having jurisdiction over the territory adjacent to the city shall on or before February first of each year, in a joint statement, certify to the county clerk and county treasurer the number of persons of school age in that part of the city district outside of the city limits. The city superintendent of a city of the fourth class shall provide for the expenditure of the township library money based on the total number of persons of school age in the city district, including such persons in all parts of the city district whether resident within or without the city limits.

6. Between December first and February first of each year the teacher or principal of every school under the jurisdiction of a county, district or city superintendent of a city of the fourth class shall report to the proper superintendent on blanks supplied by said superintendent such information regarding the condition and needs of the school library as may be called for by such superintendent. Such report shall include an inventory of all books which have been added to the school library under the provisions of this act since March first last preceding the date of the report. Before receiving from the district clerk an order for the last month's salary of the school year the teacher or principal of each school shall report to the district clerk and the county, district or city superintendent such information regarding the school library as the proper superintendent may direct..

7. It shall be the duty of the county or district superintendent to \* \* \* keep on file in his office a list of books \* \* \* in the library of each school district and to arrange such lists by districts and towns in numerical and alphabetical order. \* \* \* Guided by such lists and other information which may have been obtained regarding the school libraries of the school districts under his supervision, the county or district superintendent shall make a selection for each school district under his

supervision, the schoolhouse of which is located in his superintendent district, the books to be taken from the lists prepared by the state superintendent. It shall also be his duty to furnish each town clerk, village clerk and clerk of cities of the fourth class under his jurisdiction with a list of the books designated for each district. The county or district superintendent shall also certify to the county clerk the names and numbers of the books selected for each town, village or city of the fourth class under his supervision, the price fixed in the list issued by the state superintendent to be attached in each case and the total cost of such books to be correctly summarized and indicated. City superintendents of cities of the fourth class shall in like manner certify to the county clerk the cost of the books selected for the schools under their jurisdiction. A duplicate copy shall be furnished to the company or firm selected by the state department or commissioned to furnish the books, periodicals, etc., for township libraries. The company or firm shall upon receipt of the list from the county, district or city superintendent fill the order for each town, village or city of the fourth class, as directed, said order when so filled to be sent to the town, village or city clerk. The town, village or city clerk shall immediately upon the receipt of the books from the company or firm compare the order so filled with the list in his possession and shall immediately report to the county, \* \* \* district or city superintendent. If such report is satisfactory and discloses no error or irregularity in the number, kind or condition of the books received, the county, \* \* \* district or city superintendent shall notify the county clerk to draw an order upon the county treasurer for the cost of the books so furnished to each town, village or city. If the report is unsatisfactory the proper superintendent shall forthwith report the fact and the cause thereof to the company or firm supplying the township library books. Such company or firm shall forthwith take steps to rectify any error or irregularity which may have been made in the filling of the order for the books in question.

8 Within three days of the last day of each month the superintendent of each county, district and of each city of the fourth class shall so notify the county clerk, including all orders for which satisfactory reports have been made by the town, village and city clerks. It shall be the duty of the county clerk immediately upon receipt of such notification from the county, district or city superintendent to draw an order upon the county treasurer for the amount so certified. The county treasurer shall thereupon immediately \* \* \* issue a draft in favor



of the company or firm for the amount so certified. No order from the county board shall be deemed necessary in the payment of the amount due for books purchased as above specified.

9. The express charges and postage on books purchased under the provisions of this act shall be paid by the town, village or city receiving them.

10. The town clerk shall immediately on receipt of the books purchased under the provisions of this act distribute such books to the clerks of the various school districts or, if the school is in session, to the teacher or principal of such school. The district clerk or the teacher, as the case may be, shall, at the time the books are delivered, sign and deliver to the town clerk a receipt specifying therein the titles of the books and the date on which they were delivered. Such books shall go to each school district as are designated by the county or district superintendent. For this service the town clerk shall be paid such sum, not exceeding two dollars per day, out of the funds of the township, as shall be determined by the town board of supervisors. Village and city clerks who receive books under the provisions of this act shall without unnecessary delay, transmit such books to the principal or superintendent of the schools of the village or city.

11. The board of directors of any free public library and the school board or the board of education of any school district, town, village or city in which a free public library is provided for and maintained, may make such exchanges and loans of books as said officers shall agree upon for the purpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens.

12. The state superintendent shall have authority to suspend the operation of this act in any school district, \* \* \* or sub-district within which there is maintained a free public library, or for any school district or sub-district located wholly or in part in any incorporated village or city within which there is maintained a free public library, provided there has been expended by the board of said free public library in the purchase of library books suitable for children in the elementary school grades, during the year ending June 30th next preceeding the date of the application for suspension, a sum equal to the sum which would be released by the suspension of the township library law, as certified by the Secretary of the Free Library Commission, the amount so expended by said board of the free public library for any one year not to be made the basis of such suspension for more than one year, and \* \* \* provided

further than the clerk or secretary of the board of education of the school district for which the operation of the township library law is suspended, the county, district or city superintendent concerned and the county clerk and county treasurer of the county in which the district is located shall be notified of such suspension by the state superintendent.

Cities of the fourth class (cities having a population of 10,000 or less), and all villages are within the provisions of this law.

The rules and regulations directing and governing the administration of township library affairs will be found in the library catalogue or list published by this department.

**Committee to make contracts with firm or dealer.** SECTION 1. (Chapter 243, Laws of 1905.) The state superintendent of public instruction, the secretary of the Wisconsin free library commission and the attorney general are hereby constituted a committee whose duty it shall be to secure bids and make contracts with some responsible dealer or firm for the purpose of securing prompt and efficient service in supplying books and periodicals to the schools of the state under the provisions of the township library law.

SECTION 2. Whenever the list of books for township libraries prepared by the state superintendent under section 486a, Statutes of 1898, is completed, typewritten copies thereof shall be furnished to dealers or firms making applications therefor. The committee shall enclose with each copy of the list so sent out a clear and complete statement of the conditions under which the books and periodicals are to be supplied; the date on which the bids must be placed on file and opened and give such other information as may be necessary to insure a clear and unquestionable understanding on the part of all parties concerned.

SECTION 3. The committee shall require from each dealer or firm making a bid a deposit of \$1,000 with the state treasurer as an evidence of good faith, said sum to be returned as soon as the successful bidder is determined, provided that the sum deposited by the successful bidder shall not be returned until the bond required by the committee conditioning a faithful performance of the terms of the contract is filed with the secretary of state. In case the successful bidder shall fail or refuse to file the bond required by the contract the \$1,000 deposited with the state treasurer shall become forfeit to the state and there shall be no recovery thereof.

SECTION 4. The committee shall require a bond from the successful bidder in the penal sum of \$10,000 with good and responsible sureties for the faithful and reasonable perform-

ance of the terms of the contract, said sum to become forfeit to the state in case of failure.

SECTION 5. As soon as the successful bidder has been determined, all officers upon whom shall fall the duty of purchasing the books for township school libraries shall be notified in a circular setting forth the conditions under which the books are to be furnished, the name and address of the successful bidder and a statement to the effect that no money withheld from the common school apportionment for the purchase of township library books shall be used in the purchase of books or periodicals from any other dealer or firm.

SECTION 6. After a contract has been entered into by the committee on the part of the state it shall be deemed a misdemeanor punishable by fine to the amount of costs and the money expended, for any person or officer authorized by law, to make a purchase of books for township libraries with money withheld from the annual apportionment of the school fund income from any dealer or firm other than the dealer or firm named in the contract.

**Librarian and records.** SECTION 486*b*. Unless the school district shall at the annual meeting elect some other person librarian, the clerk shall act as librarian and receive and have the care and custody of the books so distributed to the district, and shall loan them to teachers, pupils and other residents of of the district in accordance with the regulations prescribed by the state superintendent. The clerk shall keep a record of the books received from the town clerk in a book furnished by the state superintendent through the town clerk; but during the time school is in session the library shall be placed in the school house and the teacher shall act as librarian under the supervision of the clerk or of the librarian elected at the annual meeting. The state superintendent shall furnish to each town clerk suitable record books for his use and the use of the several clerks in his town.

**Farmers' Institute Bulletins—How distributed.** SECTION 486*c*. (Chapter 66, Laws of 1907, amending section 486*c*. Statutes of 1898.) The superintendent of agricultural institutes shall send to each town clerk in the state a sufficient number of bound copies of the bulletins of such institutes to enable him to supply each school district in his town with one copy of each edition thereof. The town clerks shall distribute said bulletins to the school libraries in their respective towns, from

which they shall be loaned in like manner and under the same regulations prescribed for the loaning of books therein.

Previous to the passage of this law the farmers' institute bulletins were distributed to the town clerks from this department. Hereafter they will be distributed to the town clerks from the office of the superintendent of farmers' institutes at Madison, who has an office in the Agricultural College building. The law makes it the duty of the town clerk to distribute the copies of these bulletins to the different school districts in his town in order that they may be placed in the school district library for use by the patrons of the school.

**Librarian under township system.** SECTION 486*d*. In towns having the township system of school government, all duties prescribed for the town clerk in regard to township libraries shall be performed by the secretary of the town board of school directors.

## XI.—THE COLLECTION OF JUDGMENTS AGAINST SCHOOL DISTRICTS,

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**Execution.** SECTION 487. No execution shall issue on any judgment against a school district except upon leave of the court upon motion after the failure of the remedies provided in these statutes.

**Method of collection.** SECTION 488. Whenever a final judgment shall be obtained against any school district the judgment creditor, his assignee or attorney may file with the town, city or village clerk a certified transcript of such judgment or of the docket thereof, together with his affidavit showing the amount due thereon and all payments, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed or removed has been affirmed; and thereupon such clerk shall assess the amount thereof, with interest from the date of its rendition to the time when the warrant for the collection thereof will expire upon the taxable property of such district, placing the same in a separate column on the next tax roll; and the same shall be collected and returned as town taxes are and paid to the party entitled thereto. In case of a judgment against a joint district, a transcript and affidavit as aforesaid shall be filed with the clerk of each town, city or village in which any part of the district is situated, and such clerk shall assess on the taxable property of the part of such district situated in his town, city or village the same proportion of the whole amount, with interest as aforesaid, as is assessed on such part for the other district taxes in such year. Such proportion may be ascertained by the certificate of the district clerk or the certificate of the several town, city or village clerks interested to each other, showing the amount of other district taxes certified by the district clerk to each town, city or village clerk. Whenever for any cause the amount which ought to be

assessed on any such district or part of district, as above provided, shall not be so assessed in the next tax roll after the filing of such transcript and affidavit, such clerk shall assess the same on the next or any subsequent tax roll within two years thereafter.

**Effect of appeal.** SECTION 489. Whenever an appeal shall be taken from such judgment against a district and a transcript thereof and affidavit shall have been filed as above provided, the director may file a certificate of such appeal with the town, city or village clerk, and thereupon he shall suspend the assessment of such judgment until the determination of such appeal. If such judgment be thereafter affirmed, on proof thereof by certificate of the clerk of the appellate court, the town, city or village clerk shall assess the same, with interest, in the next tax roll.

The property belonging to the district is not liable to levy or sale upon an execution. Under the rendition of any judgment against a school district, a transcript of the same is to be filed with the town clerk, or, if the district be a joint district, with the clerk of each town in which such district is in part situated. The town clerk is then required to assess the amount of the judgment, with interest thereon, in a separate column, in the next assessment roll, and the tax, when collected, shall be paid to the party entitled thereto.

## XII.—FREE HIGH SCHOOLS.

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**How established..** SECTION 490. (As amended by chapter 217, Laws of 1909, amending chapter 258, Laws of 1905.) 1. Any town, village, city, school district or sub-district \* \* \* may establish and maintain not exceeding two high schools in the manner and with the privileges herein provided; but no such school shall be established or maintained unless twenty-five persons of school age resident of the town, city or village or school district, or sub-district, pass a satisfactory examination in the branches required to be taught in the common school and are prepared to begin a high school course.

2. The question of establishing such schools may be submitted by the town, district, sub-district, village board or common council to the legally qualified voters at any annual or special meeting or election upon written resolution therefor proposed for adoption; provided that ten days' notice of such purpose embodying such resolution be given by posting five copies thereof in five different public places in such town, village, city, school district or sub-district, or by publishing such notice in any newspaper published in any such town, village, city, school district or sub-district, ten days prior to the time set for holding such meeting. In the case of a sub-district the meeting may be called by the clerk thereof. The vote shall be taken by ballot, and canvassed according to the statutes for conducting elections in such municipality, those ballots in favor being written or printed "for high school," those opposed, "against high school." If the resolution be adopted such town, district, sub-district, village or city shall constitute a high school district. But this section shall not apply to high schools already established.

3. No action heretofore taken by any town, village, city, school district or sub-district in voting to form a high school or joint high school shall be invalid by reason of any defect in the

form of notice given or the time such notice shall have been given, posted or published; but all steps heretofore taken by any town, village, city, school district or sub-district in forming a high school or joint high school are hereby validated and declared to conform to law.

**SECTION 490t.** (Chapter 144, Laws of 1909.) No action heretofore taken by the electors or officers of any town, village or city, school district or sub-district, in voting to form a free high school district, or a joint free high school district, shall be invalid by reason of any defect in the form of notice given, posted, published or served, or the manner in which such notice shall have been given, posted, published or served, and all steps and elections heretofore had and taken by any town, village, or city, school district or sub-district in forming a high school district or a joint high school district are hereby validated and declared to have the same force and effect as if there had been no irregularities or omissions in the proceedings had for the purpose of forming such district.

**School district electors—powers of.** (Chapter 588, Laws of 1907, creating two sections.) **SECTION 490a.** The electors of any town, village or city, school district or sub-district maintaining a free high school, may at any annual meeting or election, vote upon the question of surrendering the certificate of organization of the free high school and the dissolving of the high school district; provided, that ten days' notice of such purpose be given by posting five copies thereof in five different public places in such town, village, or city, school district or sub-district, or by publishing such notice in any newspaper published in any such town, village or city, school district or sub-district ten days prior to the time set for holding such meeting. The vote shall be taken by ballot and canvassed according to the statutes for conducting elections in such municipality. Those ballots in favor of the surrendering of the certificate and dissolution of the free high school district shall be written or printed "for surrender," those opposed "against surrender."

**Joint high school districts.** (Chapter 345, Laws of 1903, amending section 491, Statutes of 1898, as amended by section 1, of chapter 57 of the Laws of 1899, and also amending section 492 of the Statutes of 1898.) **SECTION 491.** Two or more adjoining towns or school districts, or one or more towns or school districts and an incorporated village or city, when the same to-



gether will make a district of contiguous territory, may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted and the notice of election signed by at least a majority of the supervisors of each town, the directors of each school district, the common council of such city and trustees of such village, if any, and the election shall be notified and conducted in each town, school district, city or village as provided in the preceding section. Such resolution shall not be adopted unless a majority of the votes cast in each such town, school district, city or village, be in favor thereof. The votes shall be canvassed at the first election, and all subsequent elections in the several towns as at town meetings, in the several school districts as at annual school district meetings, in the city, if any, as at a charter election, and in the village if any, as at village elections; and the supervisors of the several towns, directors of said school districts, common council of such city and trustees of such village shall, within one week after such election, meet and canvass the votes and certify the result to the town clerk of each town, the clerk of each school district, the clerk of such city and to the village clerk of such village. If such resolution be adopted, the town, or towns, school district or school districts and city and village, so voting, shall constitute a joint high school district. The creation of a new town or incorporation of a village out of the territory included in a free high school district shall not dissolve nor otherwise affect such district but such towns or town and village shall thereafter constitute a joint high school district. A town, school district, incorporated village or city contiguous to a free high school district may become joint with such district upon the approval and submission of a resolution proposing the same and the terms thereof, and notice of election signed by a majority of the supervisors of each town, directors of each school district, common council of each city, and trustees of each village, if any, to be affected and the adoption of such resolution by a majority of all the votes cast in each such town, school district, city or village, the election to be had and the result canvassed and determined in the manner provided herein for the organization of a joint high school district in the first instance.

**Certificate.** SECTION 491a. (Statutes of 1898, as amended by chapter 214, 1899, as amended by chapter 345, Laws of 1901.) Whenever a free high school shall have been established and maintained as provided in sections 490 and 491 for at least

three [eight] months, and the proper board shall have made the report required by section 496 in order to obtain the aid furnished by the state in maintaining free high schools, they shall append thereto a certificate that such school is established and maintained in a district composed of a town; of a town and an incorporated village within the town; of two or more towns; or of two or more towns and an incorporated village in one or in each of them.

**State aid.** SECTION 491b. (Chapter 257, Laws of 1909, amending the statutes of 1898, as amended by chapter 214, Laws of 1899, as amended by chapter 345, Laws of 1901.) 1. Upon receiving the reports and appended certificate provided for in section 496, it shall be the duty of the state superintendent to make a separate and distinct class of the schools thus established and maintained in the districts designated in section 491a as amended by this act, and each such school shall be entitled to receive from the general fund of the state annually, one-half the amount actually expended for instruction therein; and said superintendent shall fix the amount to be paid to each of said high schools and certify the same to the secretary of state at the time and in the manner he is now required to fix and certify to him the amount to be paid to high school districts; provided that the amount so appropriated to any high school having a principal and one assistant shall not exceed nine hundred dollars, and the amount so appropriated to any high school having a principal and two assistants shall not exceed twelve hundred dollars, and the amount so appropriated to any high school having a principal and three or more assistants shall not exceed fifteen hundred dollars.

2. The amount of any such certificate shall be paid at any time after the first day of December, out of the state treasury to the district treasurer, but the whole amount so paid shall not exceed fifty thousand dollars in any one year to this class of free high schools and if more is demanded by such districts they shall be paid proportionally.

3. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid, in addition to the amount authorized to be paid in aid of free high schools by section 496 and in addition to all other sums levied for the year.

**Free high schools—Special aid for.** (Chapter 571, Laws of 1907, amending section 491b, Statutes of 1898, as amended

by chapter 214, Laws of 1899, as amended by chapter 345, Laws of 1901.) SECTION 491b. 1. Upon receiving the reports and appended certificate provided for in section 496, it shall be the duty of the state superintendent to make a separate and distinct class of the schools thus established and maintained in the districts designated in section 491a as amended by this act, and each such school shall be entitled to receive from the general fund of the state, annually, one-half the amount actually expended for instruction therein; and said superintendent shall fix the amount to be paid to each of said high schools and certify the same to the secretary of state at the time and in the manner he is now required to fix and certify to him the amount to be paid to high school districts.

2. The amount of any such certificate shall be paid at any time after the first day of December, out of the state treasury to the district treasurer: but the whole amount so paid shall not exceed fifty thousand dollars in any one year to this class of free high schools, and if more is demanded by such districts they shall be paid proportionally.

3. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid, in addition to the amount authorized to be paid in aid of free high schools by section 496 and in addition to all other sums levied for the year.

By this act the town free high school fund has been increased from twenty-five to fifty thousand dollars. The number of town free high schools already established in the state practically exhausted the twenty-five thousand dollars. This additional twenty-five thousand dollars will, for a time at least, result in an increase of the amount furnished to *district* free high schools, inasmuch as the surplus of the sum provided for town free high schools is by law to be placed in the district free high school fund and the number of town free high schools already established does not require that the entire fifty thousand dollars shall be apportioned in order that the statutes relating to such schools may be complied with.

This law strikes out the words "in towns or in towns or villages where no graded school exists" so that hereafter high school districts comprised of an entire town or of two or more towns will share in greater proportion in the free high school apportionment than heretofore in those cases where there are "graded" schools in the town high school district.

An annual appropriation of not more than fifty thousand dollars is made to encourage the establishment and maintenance of free high schools in towns where the high school district is comprised of one or more towns.

SECTION 491c. (Chapter 174, Laws of 1905.) It is hereby made the duty of the town, village, city or school district board to submit any resolution proposed in pursuance of section 491

as amended by section 1 of chapter 57 of the Laws of 1899, as amended by section 1 of chapter 345 of the Laws of 1903, to the voters of such town, village, city or school district upon the filing with said board of a petition in writing, praying such submission, signed by at least ten per cent of the qualified electors who voted at the last preceding gubernatorial election in such town, city, village or school district.

**High School District—Officers—How Elected.** (Chapter 438, Laws of 1907, amending section 492 as amended by chap. 345, Laws of 1903 and chap. 329, Laws of 1905.) SECTION 492. 1. The officers of each free high school district shall be a director, treasurer and clerk, whose term shall be each three years beginning with the annual town meeting and until his successor shall have been chosen; provided that at the first election the clerk shall be chosen for one year, the treasurer for two years and the director for three years. All of said officers may be chosen first at the same election at which the question of establishing a high school is submitted, to take their offices if the resolution therefor be adopted. Thereafter such officers shall be elected at the annual town meeting or charter election. The votes cast shall be canvassed and the result declared and certified as provided.

2. But in all cities not under a county superintendent which now constitute free high school districts or which shall hereafter adopt the resolution provided for in section 490 and become free high school districts, the board of education in each such city shall be the high school board, and the city treasurer shall be ex-officio the treasurer of the high school district, unless the board of education embrace a treasurer.

3. And in all districts maintaining a graded school of not less than two departments which now constitute free high school districts or which shall hereafter adopt such resolution, the district board in each shall be the high school board and the district treasurer shall be the treasurer of the high school district.

4. Whenever a sub-district shall vote to establish and maintain a free high school, such sub-district shall constitute a free high school district, shall elect a free high school board, the clerk for one year, the treasurer for two years, and the director for three years; thereafter one officer shall be elected annually in place of the one whose term expires at the annual meeting of such sub-district and such high school board shall perform all the duties and have the same authority as high school boards in towns or districts.

5. The clerk shall certify all taxes levied for high school purposes to the town, city or village clerk, who shall apportion the same upon the taxable property of the sub-district, and the treasurer of such municipality shall collect the taxes thus apportioned and pay over the same to the high school treasurer and return the delinquent taxes to the county treasurer as in other cases.

6. Separate ballots and a separate ballot box for school district officers shall be provided.

7. The names of candidates for school district officers voted for shall be printed or written on a ticket separate from the town, village or city ticket, and the ballots cast at this election shall be canvassed according to the statutes for conducting elections in the municipalities interested, the results certified to by the canvassing officers to be sealed and placed in the hands of the chairman of the town, the president of the village board of trustees or the mayor of the city, as the case may be.

8. Such officers shall hold their first meeting at two o'clock p. m. on the first Saturday following the town, village or city election at the office of the clerk of the town having the largest population, or if a village or city shall be interested, at the office of the village or city clerk for the purpose of recanvassing the votes cast in each municipality for the election of high school officers and certifying the result to the proper clerk. Said clerk shall certify the name of the officer or officers elected in said district to the clerk of each town, village or city, in the joint free high school district. The officers so elected shall have the same authority, be charged with the same duties, and be under the same liabilities as other officers of free high school districts.

This act provides that all free high school officers shall be elected by popular vote. That provision of the old statute providing that in cases where the free high school district consisted of two or more towns, or of a town and a city, the free high school officers should be elected by the town boards of supervisors, or by the town board and three members of the city council has been repealed.

**High school board—Township system.** Chapter 253, Laws of 1901. SECTION 1. (492a.) The town board of school directors in any township now organized or which may be hereafter organized under the township system of school government, shall be and is hereby constituted the free high school board for the town as a free high school district. In such cases the secretary of the town board of school directors, shall be ex-officio clerk, the president of the board shall be ex-officio direc-

tor, and the town treasurer shall be ex-officio treasurer of the free high school board of said district. Said board is hereby authorized to perform all and singular the duties prescribed by law for free high school officers and boards, and the function and duty of free high school boards heretofore organized and acting as such in a free high school district consisting of a town having the township system of school government, shall cease and be of no effect on and after the lawful surrender of records, papers, moneys and other property as hereinafter provided. The records and accounts of the board created by this act shall be kept separate and distinct from the records and accounts which the said board are required to keep as a town board of school directors. The free high school board in any existing free high school district composed of a single town organized under the township system of school government, is hereby authorized and directed, immediately upon the passage of this act, to deliver to the care and custody of the free high school board herein provided for in such cases, all records, papers, money, and other property of the free high school districts, and the free high school board herein provided for shall accept the care and custody of such records, papers, money, and other property and use them for and in behalf of the free high school district in conformity to law.

**Officers' duties; other statutes apply.** SECTION 493. Such officers shall constitute the high school board, and shall conduct the affairs of the high school district on the same general plan provided for a school district, and possess, with respect to such high school district, all the powers and be charged with all the duties conferred and imposed by the statutes on the district officers and district board of a school district applicable to such high school district: the treasurer shall give a like bond, to be approved and filed in a similar manner. The high school district clerk shall make a similar report to that required by section 462, omitting the first subdivision. The board may grade such school and establish the branches of study to be taught therein, under the advice of the state superintendent. Every forfeiture and punishment for neglect or violation of duty in a school district officer shall apply to a high school district officer for like neglect or violation. The reports of free high schools in cities not under a county superintendent shall be included in the reports from such cities to the state superintendent.

The officers, if elected, are to bear the same names and are elected for the same terms as like officers in school districts. In cities inde-

pendent of the county superintendent, the board of education,—and in single districts, the district board, or under the township system the town board of school directors becomes the free high school board, without action on the part of the people at the time of voting on the adoption of the system.

The duties of the several officers and of the boards are similar to those of district officers and boards. The clerk is to report directly to the county superintendent, but in cities independent of that officer, the report must be made by the city superintendent or by the board of education, and incorporated in the report of other matters to the state superintendent. Section 496 provides for a financial report to be made in duplicate for each free high school directly to the state superintendent.

**Schools free; teachers' qualifications.** SECTION 494. All such free high schools shall be free to all pupils resident in the district. Every principal of such school shall, in addition to his qualifications as teacher of a common school, be a graduate of some university, college or normal school, hold a state certificate or pass an examination in the studies required to be taught in any such school; provided, the state certificates authorized by law and the certificates authorized by section 496a shall qualify their holders both as principals and as teachers of common schools; and each principal and assistant teacher in a free high school shall be eligible to teach only on approval of his certificate by the state superintendent; and the high school board or boards of education having charge of such schools shall determine, with the advice and consent of such superintendent, the course of study and minimum standard of qualification for admission to the same.

The state superintendent will require each assistant in such schools to furnish evidence of his qualifications to teach every branch assigned him in the school course. Every assistant in a free high school who does not hold a state certificate or a countersigned diploma should therefore secure the superintendent's approval of his qualifications before the beginning of the fall term of school. Only thus can he make a legal contract, or the school be entitled to the aid provided by law. Each assistant should send to the state superintendent a local certificate that includes all the branches he is required to teach, and which continues in force during the time for which he wishes his certificate to be approved. Should he desire to teach branches that are not included in the highest certificate that the local authority is authorized to issue, the state superintendent will provide for his examination in such topics.

Diplomas and standings from reputable colleges and state normal schools not in the state will receive due credit, if accompanied by proper local certificates.

**Residents of towns and villages without free high schools may attend free high schools in other districts—Tuition, how paid.** (Chap. 329, Laws of 1903, amendatory of Ch. 188 of the Laws of 1901.) SECTION 1. The free high

school board of any free high school district organized under the laws of this state, shall admit to the high school under its control, whenever the facilities for seating and instruction will warrant, any person of school age prepared to enter such school, who may reside in any town or incorporated village, but not within any free high school district, and who shall have completed the course of study in the school district in which he resides, or one equivalent thereto. Persons so admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils of the school who are residents of the free high school district.

**Tuition fee, statement of.** SECTION 2. Whenever persons, not residing in any free high school district and having completed the course of study in the school district in which they reside, or one equivalent thereto, as herein provided, enter any free high school, the free high school board of that district shall be entitled and is hereby authorized to charge a tuition fee for such pupils not to exceed fifty cents per week. On or before the first day of July in each year, the secretary of the free high school board shall make a sworn statement to the clerk of the city, town or village from which any person may have been admitted to said free high school. Said statement shall set forth the residence, name, age and date of entrance to such school, and number of months' attendance during the preceding school year of each person so admitted from such city, town or village; this statement shall show the amount of tuition which, under the provisions of this act, the district is entitled to receive for each person reported as having been a member of the school from such city, town or village, and the aggregate sum for tuition for all persons so admitted from each city, town or village, which statement shall be filed as a claim against the town, city or village where such person resides, and allowed as other claims are allowed.

**Evidence of completion of course of study, what is sufficient.** SECTION 3. The usual diploma issued by any school or school district organized under the laws of the state, shall be sufficient evidence of the completion of the course of study hereinbefore mentioned, and it shall be the duty of the state superintendent, in all cases where a course of study is not already prescribed, to prescribe a course of study and designate what shall constitute a completion thereof under this act. A duplicate of such diploma or a copy thereof duly certified as



such, by any of the persons signing the original, shall be delivered upon request to the persons named therein, and shall be filed by him with the secretary of the free high school board of the free high school district, upon his admission to its high school. A certificate from the county superintendent of the completion of such course, or that the diploma hereinbefore referred to has been properly issued to the person named therein, shall have the same effect as such diploma, as evidence of the completion of the course of study. All duplicate diplomas, or certified copies thereof, or certificates of county superintendents so filed, shall be attached to the sworn statement of such secretary hereinbefore provided for.

**Tuition, how collected in villages.** SECTION 4. The village clerk shall enter upon the tax roll of the village for the ensuing year such sums as may be due for tuition on account of residents of the village who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district or districts, where such persons have attended the free high school or schools.

**How collected in towns.** SECTION 5. The clerk of any town not having within its territory a free high school district, shall enter upon the tax roll of the town for the ensuing year such sums as may be due for tuition on account of residents of the town who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district where such persons have attended the free high school or schools.

**How collected in portion of town or city not in district.** SECTION 6. The clerk of any town or city, a portion of which constitutes or forms a part of a free high school district, shall enter upon the tax roll for that part of the town or city, not within a free high school district, such sums as may be due for tuition on account of residents of that portion of the town or city, that have attended such free high school or schools, and the amounts so entered shall be collected when, and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district or districts where such persons have attended the free high school or schools.

. This law permits persons (a) of school age (b) not residing in a free high school district, and (c) possessed of proper evidence of hav-

ing completed a common school course of study, to attend any free high school in Wisconsin, where (d) facilities for instruction are sufficient, and (e) subject to the rules and regulations of such school and makes their tuition not to exceed fifty cents a week, chargeable to the town, city or village in which they reside.

Under "(c)" above the following points are to be noted:

1. The course of study to be completed must be prescribed by the state superintendent, and it is left to him to determine what shall constitute a completion hereof. The course prescribed by him is found in the manual for common schools.

2. Except in city superintendent districts, all public schools except free high schools, are under the supervision of some county superintendent, and all diplomas issued by such schools must receive his sanction in order to be received as evidence that the common school course of study has been completed. He may insist upon examination in all cases, or, as in the case of a system of graded schools under the supervision of a high school principal, he may accept the certificates of the principal without examination.

3. It follows, therefore, that whereas the principal, acting under direction of the board has heretofore had the power to determine the qualifications for admission, the power to do so now rests *solely* with the county superintendent.

It would seem that in all cases where a pupil has been in attendance upon a free high school and has completed the work of any year of said high school, the records may be taken by the county superintendent as sufficient evidence of the qualifications of the pupil to continue high school work, and of his right, if he so desires, to have his tuition made a charge upon the town or village in which he resides. It would also seem that in cases where non-resident pupils complete the work in the 8th or 9th grade in any district having a free high school, the record of such department may be accepted by the county superintendent as evidence of the fitness of such pupil to enter the high school with other pupils of the same class and grade, who are residents of the free high school district.

4. In order that charges for tuition may be collected by a free high school board from the town in which any nonresident student resides, the secretary must, before the first day of July in each year, file a sworn statement with the clerk, giving residence, name, age, date of entrance and number of months' attendance at school of each person so admitted from his town, city or village, together with the amount of tuition charged, such charge not to exceed fifty cents per week.

5. This statement must be accompanied by a diploma, or copy of diploma, or certificate from one who has signed the diploma, or a certificate from the county superintendent. As above shown, this diploma, if from a public school under the supervision of the county superintendent, must have been issued by the county superintendent, or have received his sanction in order that it may be received as evidence that the common school course of study has been completed.

When a certificate or diploma as above described, or a certified copy of either, has once been filed with the clerk, the law will doubtless be satisfied thereafter if other copies are not filed with him with the bill for tuition.

Section 1 states that "persons so admitted shall be subject to the same rules and regulations as pupils of the school who are residents of the free high school district." This clearly gives the free high school authorities the right to examine all students and to reject any whose qualifications are found to be below the standard set by such school even though the diploma or certificate may be presented.

**Taxes, apportionment of.** SECTION 495. The high school board shall annually, on or before the second Monday in September, meet and determine the amount necessary to be raised by tax for the support of such high school, and certify the same to the proper town, city or village clerk; if a joint high school district they shall certify to the clerk of each town or to such clerk and the village clerk the proportionate amount thereof to be raised by such town or village, such proportion to be determined according to the total valuation of all the taxable property therein as equalized by the boards of review, statements of which shall, as soon as the assessment is complete, be sent by the respective town or village clerks to the clerk of such district. Such tax shall be apportioned on the next tax roll by such clerk or other officer making the same, and collected and returned as other taxes, and paid to the high school district treasurer. Such moneys shall be paid out only on orders drawn and countersigned as prescribed in case of school districts. Any town which is a single high school district may, by resolution adopted at the annual town meeting, limit the amount to be raised for high school purposes during such year. In case of a joint high school district, the town boards of the several towns or of the town and village or towns and villages embraced may by joint resolution adopted by all such boards before the first day of July, likewise limit the amount to be raised therein.

The taxes levied by the board of a joint free high school district cannot be affected by the action of the board or of the electors of any town in the district. If the amount to be raised is legally apportioned to the town, the clerk thereof must include it in the tax roll, notwithstanding directions from the town board and the electors at the town meeting to the contrary. "The refusal of one town or any number of towns (at least any number less than the whole), in a joint free high school district, to levy and collect taxes on the taxable property in any such town to pay its due proportion of the expenses of maintaining the school when such proportion has been lawfully ascertained, cannot disorganize or dissolve the joint district or relieve the clerk of any such defaulting town of the duty of inserting the proper sum in the tax roll of his town." *State v. Lamont*, 86 Wis., 563.

**Providing for town free high school buildings.** (Chapter 123, Laws of 1903, amending chapter 27, Statutes of 1898, by the addition of a new section to be known as Section 495a.) SECTION 495a. The electors of any town organized as a town free high school district are authorized at any annual town meeting or special town meeting, regularly called, to levy a tax upon the real and personal property of said town free high school district for the purpose of purchasing a site, erecting a suitable school building thereon, and furnishing said building

with the necessary furniture, and heating and ventilating apparatus.

This law was passed for the purpose of authorizing the electors of the town, assembled at some special or annual town meeting, to vote a tax for the purpose of providing funds for the erection and equipment of a town high school building and for purchasing a site. This law does not give the electors the power to select or designate the location of the free high school site.

**Powers of electors—Buildings for town free high school districts.** (Chapter 351, Laws of 1905.) SECTION 1. Upon the filing with the town clerk or clerks of each town included in any town free high school district and with the village clerk of any village included therein, a petition in writing signed by at least ten per cent of the qualified electors of such town high school district as determined by the last preceding gubernatorial election asking to have submitted to a vote of the electors of said district the question of erecting a new school building therein or building an addition to a school house or furnishing such building with necessary furniture and heating and ventilating apparatus, the supervisors of the several towns and the trustees of any village included in any such joint free high school district, shall give notice of an election to be held in such towns or town and towns and village for the purpose of voting upon such question, which shall be submitted to be voted upon in the form of a resolution embodying the question to be submitted and the amount of money proposed to be raised for such purpose upon which the electors shall vote aye or nay, and such resolution shall be adopted if a majority of the total vote in the entire joint free high school district be in favor thereof. Before issuing notice of such election the town clerks of the several towns and villages if any, included in such school district, shall meet and determine on a time for holding such election, which shall be held in each town and village upon the same day, and within ten days after such election shall have been had the clerks of the several towns and villages included in such district shall meet and canvass the returns of such election and announce the result thereof and make a written report thereon and file the same with the clerks of the several towns and villages included in such school district. Such election shall be noticed and conducted and the votes counted in the several towns as at town meetings and in a village, if any, as at village elections.

**Borrowing money.** (Chapter 342, Laws of 1901.) For the purposes expressed in section 474 of the Statutes of 1898 and chapter 40 of the Laws of 1901, any high school district board

is hereby authorized and empowered to borrow money whenever directed by the electors of such high school district assembled at a meeting regularly called and held for that purpose, pursuant to the provisions of section 427 of the Statutes of 1898. The payment thereof shall be provided for by said board by a tax to be raised and certified as provided in this section.

**Free high schools—State aid—How obtained—May be withheld—**(Chapter 527, Laws of 1907, amending section 496, Statutes of 1898, as amended by chapter 345, Laws of 1901, and chapter 214, Laws of 1899.) SECTION 496. 1. Any free high school district which shall have established a free high school according to the provisions of these statutes and shall have maintained the same for not less than eight months in any school year, shall be entitled to receive from the general fund of the state annually one-half of the amount actually expended for instruction in its high school during such year over and above the amount required by law to be expended for common school purposes, but not to exceed in one year five hundred dollars to one district; provided, this limitation shall not apply to town free high schools.

2. To obtain such aid the high school board, or in cities not under a county superintendent, the president and secretary of the board of education and the treasurer, shall on or before the first day of August, report in duplicate to the state superintendent, under their oaths, the amount actually expended for instruction during the previous school year, specifying the several items thereof, with the date and object of each fully. Thereupon said superintendent shall fix the amount to be paid such district and certify the same to the secretary of state with one of such reports annexed; provided, that the state superintendent may withhold such state aid from any free high school district in which the scope and character of the work are not maintained in such manner as to meet his approval or which the high school building, the outhouses and grounds, or the furniture and equipment are not maintained in good condition and kept clean and free from any unsanitary features; or in which the high school is not provided with sufficient equipment, including globes, maps, blackboards, library, scientific apparatus and other essentials for the proper work of the school or for failure to comply with any of the provisions of the free high school law. He may order and direct that an amount equal to the whole or part of such state aid for any year shall be expended in the purchase of proper equip-

ment and in case of failure of the district to comply with such direction he shall withhold from the aid to that district an amount equal to the sum ordered to be expended. On such certificate, at any time after the first day of December, the certified amount shall be paid to the district treasurer out of the state treasury.

3. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been paid. Whenever, owing to any failure or neglect to make the report required by law, any free high school shall fail to have apportioned to it, its share of the state aid, the state superintendent may, after the time hereinbefore fixed for such apportionment by him, fix an amount ten per centum less than the amount which said school would have been entitled to had it complied with the provisions of this section, and certify the same to the secretary of state with the report of such district annexed thereto, and the secretary of state shall thereupon draw his warrant for such amount or amounts in favor of such district.

4. The whole amount annually paid under the provisions of this section shall not exceed seventy-five thousand dollars, and if more be demanded by such districts they shall be paid proportionally; provided, that if the whole amount authorized to be paid annually in aid of free high schools as provided by section 491b as amended by this act, is not demanded or expended under the provisions of that section then the unexpended balance of the amount therein annually authorized to be paid in aid of such schools may be added to and apportioned among the free high schools provided for in sections 490 and 491.

This relates to free high schools only and makes entirely clear certain powers that existed under the old law by implication. This act definitely authorizes the state superintendent to withhold state aid from any free high school district in which the school work is not carried on in an efficient manner or in which the school buildings, grounds, furniture and equipment are not maintained in good condition and kept free from unsightly and unsanitary features. Free high school officers and electors of districts maintaining free high schools may be directly affected by this act and the officers especially, should immediately take such action as may be necessary in order to avoid any possible chance of failure on the part of the free high school district to share in the usual high school apportionment.

**Supervision and course of study.** SECTION 496a, (as amended by chap. 439, Laws of 1901.) The state superintendent shall prepare a course or courses of study suitable to be pursued in free high schools, publish the same and furnish the

same upon application. He shall exercise such personal supervision and make such personal inspection of the work of all such schools as they seem to require and the other duties of his office may warrant; he shall examine or cause to be examined all teachers of high schools, required by law to pass special examinations to qualify them for teaching in high schools, and grant certificates to such as pass examinations satisfactorily, which certificates shall be in such form and for such time as he may prescribe, and shall authorize the holder to teach in such special place or places or in the whole state, as the qualifications of the candidate may warrant. Each free high school shall offer at least a twelve weeks' course of instruction each year in the theory and art of teaching; in the organization, management, and course of study of ungraded schools; and in the duties of citizens in the organization and administration of local school systems. Such a course of instruction shall be open to all students in this school and a satisfactory standing in the work of this course shall be a condition precedent to the countersignature of a diploma held by a graduate of the school as provided in section 7 of this act. Said superintendent shall furnish suitable blanks for annual and special reports for all such schools, which shall require returns as to the number, age and sex of all pupils enrolled, the number in each class or year in the course of study, the number pursuing the English branches only, the number completing the course of study each year and such other statistics as may be deemed necessary.

Courses of study are furnished by the state superintendent, which indicate the scope of the work required by this department. Such modifications as may be thought necessary to adapt these courses to local needs require the approval of the state superintendent.

When teachers of free high schools are required to teach branches which are not embraced in any of the certificates which the local superintendents are authorized to issue, the state superintendent will provide for their examinations in such topics, but he will require teachers to seek certification from local examiners in all branches included in the first grade certificate.

**Manual training—State aid for.** (Chapter 503, Laws of 1907, amending sections 496b, and 496c, as amended by chapter 273, Laws of 1899, and creating section 496c—1.) SECTION 496b. Any board having charge of a free high school or of a high school having a course of study equivalent to the course or courses prescribed by the state superintendent for such schools may establish and maintain a department of manual

training in connection with the high school under its management, or in connection with said high school and the three upper grades next below the high school, as said board shall decide. The expense of maintaining such department shall be provided for in the same manner as other expenses of maintaining such schools, and such department shall be under the management, direction and control of such board. The state superintendent shall, so far as his other duties may warrant, give such information and assistance as may seem necessary in organizing and maintaining such departments, and in arranging schemes and outlines of work; and with the aid of the inspector of high schools, and when occasion shall require it, with the aid of the inspectors of graded schools, shall have the general supervision of all manual training departments established under this section; and shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency. The state superintendent shall establish a standard of qualification for all teachers in such department, and may grant special certificates to such applicants as are fully qualified to instruct in special lines of manual work, which certificates shall be in such form and for such time as he may prescribe, and shall be regarded as qualifying the holders thereof to teach in any manual training department.

SECTION 496c. Any school whose course of study or outline of work in manual training has been approved by the state superintendent, and whose teacher has been qualified, may, upon application, be placed upon an approved list of schools maintaining manual training departments. A school once entered upon such list may remain there and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of such superintendent. On the first day of July in each year the clerk of each school board maintaining a school on the approved list or the city superintendent of any city where such an approved school is maintained, shall report to the state superintendent in such form as may be required, setting forth the facts relating to the cost of maintaining the manual training department thereof, the character of the work done, the number and names of teachers employed, and the length of time such department was maintained during the preceding year. And upon the receipt of such report, if it shall appear that the department has been maintained in a satisfactory man-



ner for a period of not less than six [eight] months during the year, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate the secretary of state shall draw his warrant for one-half the amount actually expended for instruction in the manual training course during the year for which the state aid is received, not however, to exceed three hundred and fifty dollars if the manual training department shall have been maintained in connection with the high school and the three upper grades next below the high school, but not to exceed two hundred and fifty dollars if the manual training department shall have been connected with only the high school. The sum payable in accordance herewith to be payable to the treasurer of the district or corporation maintaining the school: provided, that the total amount expended for such purpose shall not exceed twenty-five thousand dollars in any year.

SECTION 496c—1. By and with the advice and consent of the state superintendent of public instruction, the district board or boards of education of two or three school districts each of which maintains a free high school, may unite in engaging the services of a suitable teacher or teachers of manual training for the purpose of giving instruction in manual training in the school of the districts so uniting. Each of the school districts so uniting shall pay such share of the salary of the instructor or instructors of manual training as shall be proportionate to the time devoted to instruction in manual training in the schools of each said districts. Each school district included in such agreement and giving instruction in manual training in accordance with the provisions of this chapter shall receive the state aid provided for in this chapter.

The provisions of this chapter are easily understood and must commend themselves to the consideration of all free high school boards.

#### SCOPE OF THE WORK.

(a) The scheme of work should cover at least two years of time, and should be of a character to afford advantages to both sexes and all classes represented in the school.

(b) Specifically, the scheme should include instruction and exercises in free hand and mechanical drawing.

(c) Instruction and exercises in bench work in wood—sawing, planing, tenons, mortises, joinery, inlaid work, etc., etc.

(d) Instruction and exercises in lathe work in wood—wood turning, face-plate and center turning, polishing and simple designing.

(e) Instruction and exercises in blacksmithing—elementary processes of the forge—welding, forging and tempering.

(f) Lathe work in metal—metal turning, use of machine and hand tools in metal work; exercises devised to develop uses of tools.

The above lines of work may be expanded almost indefinitely, as

facilities are provided, and the course is extended, to include pattern-making, moulding, casting, etc.; by introducing exercises in wood carving, in the use of carving tools in ornamental line work, and the shaping of simple designs in low relief. Drawing, also, may be extended to include architectural drawing and designing.

(g) Instruction and exercises in sewing—forms of stitches, piecing, hemming, darning, mending, patching, making. As facilities are provided cutting, fitting and making garments in cotton, wool and other fabrics may be voluntarily added.

(h) Instruction and exercises in cooking—study of foods, dietetic values and combinations; uses and processes of cooking; preparation of common foods—soups, meat, vegetables, bread, tea, coffee, cocoa, cakes, pies, puddings, etc., etc.

#### QUALIFICATIONS OF TEACHERS.

Each applicant will be judged as to fitness by literary and mechanical training, and upon evidence of intelligent apprehensions of the methods, aims and purposes of manual training. It is to be constantly borne in mind that manual training is a form of education; a method by which the senses of sight, hearing, touch, and all muscular energy are called into activity, to cultivate precision and multiplicity of perception, the correlation and co-ordination of processes of reasoning and reflection, which result in variety and accuracy of judgment. The product of these processes is higher, broader mental culture, as well as mechanical skill; that the latter should be the sign and token of the former; and that only such as discern this significance in manual training should be entrusted with the management of such departments. The manual training schools, and the mechanical engineering department of the university of our own state and those of other states, should furnish an adequate supply of competent teachers. For certificates and diplomas see chapter 64, Laws of 1903, page — of this code.

#### THE EQUIPMENT AND WORK REQUIRED.

The equipment and work should be progressive. No attempt should be made to fully equip or determine the work of the department at once. Bench work and lathe work in wood, with free hand and mechanical drawing should be inaugurated the first year. This is all that will be required if sewing, cooking, and advanced work in metal are outlined in the scheme of work to be commenced not later than the second year. Each scheme, as presented for approval, will be considered in relation to the locality for which it is designed.

The question has arisen whether manual training should be included in and made a part of a definite and prescribed course of study in the high school. This is the practice of some schools, that have literary and manual training courses. But it is not deemed wise to require this. A limit should be made by local regulation, confining manual training to a maximum of four and one-half hours per week, per pupil, which will include the drawing. Programmes should be so arranged that this work can be taken without interference with recitations in literary courses.

### XIII.—UNION FREE HIGH SCHOOLS.

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**Establishment.** (Chapter 493, Laws of 1909.) SECTION 495—1. With the advice and consent of the state superintendent a free high school to be known as a union free high school may be established and maintained in any tract of contiguous territory with an area of not less than thirty-six square miles, such territory to be bounded by section lines or by lines bounding in part an existing free high school district, or in cases where impassable streams, lakes or swamps render it impracticable to follow section lines such natural boundaries may be substituted.

No such union free high school district shall be established or maintained unless at least twenty-five persons of school age resident of such tract of territory give evidence through examination or otherwise satisfactory to the state superintendent that they are prepared to begin a high school course.

**Territory all in one town.** SECTION 495—2. In case the tract of territory is entirely included in one town and said tract does not include within its boundaries an incorporated village, it is hereby made the duty of the town board of that town to submit the question of establishing such union free high school to the voters of such tract upon filing with the chairman of said town board a petition praying for such submission for election. Said petition shall describe the boundaries of the proposed union free high school district and shall be signed by at least one-fifth of the persons resident therein and qualified to vote at any school district meeting. The chairman shall within ten days after the receipt of the petition notify the clerk of his town, and the clerk shall cause at once ten days' notice of such election to be given by posting at least six copies thereof in at least six different public places in such tract of territory, or by publishing such notice in any newspaper published therein once each week for two weeks immediately prior to the time set for

holding the election. The election shall be conducted and the vote canvassed according to the statutes for conducting town meetings.

**Territory in two or more towns.** SECTION 495—3. In case the said tract of territory shall lie in two or more towns and contains no incorporated village, such petition may be presented to the chairman of any one of the town boards of supervisors of such towns, and this chairman shall, within five days of the receipt of said petition, notify the other chairman or chairmen as the case may be, of the receipt of the petition and shall set a date for a meeting of all the chairmen of the towns interested for the purpose of fixing a time and place for holding such union free high school election; and it shall be the official duty of said chairman to meet on said date and fix upon the time and place for holding such election. If any chairman is unable to attend he shall delegate one of the other supervisors of his board to attend upon this meeting to act in his place. The election shall be noticed and conducted for the entire tract of territory which is to be included in the proposed union free high school district by the town board of the town in which the election is held and in the manner provided for above in the case where all the territory is included in one town.

**Incorporated village and outside territory.** SECTION 495—4. In case the tract of territory which it is proposed to form into a union free high school district shall contain an incorporated village the petition may be presented to any town chairman as designated above, or to the president of the village. It shall then be the duty of the official to whom the petition is presented to notify each chairman (or the village president) of the receipt of such petition and to fix a time and place for a meeting of said officers for the purpose of fixing a day for holding the election. The election for the village shall be held in the village on the same day the election for the territory lying outside is held and the election for the territory lying outside the village and which it is proposed to include in the union free high school district may be held in the village or at any other convenient place agreed upon and designated in the notice. The election for the village shall be noticed and conducted and the votes canvassed in the manner provided by statute for conducting village elections and the election for that territory lying outside the village limits and which it is proposed

to include in the union free high school district shall be noticed and conducted and the votes canvassed in the manner provided by statute for noticing and conducting town elections. If this outlying territory comprises parts of two or more towns, the supervisors at the meeting referred to above shall designate the town the officers of which shall notice, control and direct such election.

**Vote to be taken by ballot.** SECTION 495—5. In all cases the vote shall be by ballot, those ballots in favor being written or printed "for the union free high school," those opposed "against the union free high school," and the question shall not be adopted unless a majority of the electors voting in that part of the territory outside of the village and a majority of the electors voting in the village shall be in favor thereof.

**Result—how certified.** SECTION 495—6. The result shall be certified at once by the election officers to the clerk of each town and the village concerned and if the question be adopted, the result shall also be certified to the state superintendent by the clerk of each municipality interested, such certificate to be filed with the state superintendent within six days after the election, and such tract of territory shall upon approval of the state superintendent constitute a union free high school district.

**Effect on high school district if there is one.** SECTION 495—7. If an existing free high school district is included in the tract or territory embraced in the proposed union free high school district, the formation of the union free high school district and the establishment of a high school according to the provisions of this act shall annul the organization of the existing free high school district.

**Officers—election.** SECTION 495—8. The officers of such high school district shall be a director, treasurer, and clerk, who shall have the same authority, be charged with the same duties and be under the same liabilities as like officers of other free high school districts. The term of each shall be three years, beginning with the annual union free high school district meeting held on the third Monday in March, and each officer elected shall continue in office until his successor shall have been chosen; provided that at the first election the clerk shall be chosen for one year, the treasurer for two years, and the director for three years, and all of said officers may be chosen at the same election at which the question of establishing a union free high school is submitted. In such cases a separate ballot box shall be pro-

vided for the election of officers, and a plurality of the votes cast shall be sufficient to elect. In case an incorporated village shall be included in the proposed union free high school district the officers of the election in the outside territory shall meet at once after the polls are closed, in the office of the village clerk and the votes for said officers in the outside territory and in the village shall be counted as a joint vote, and a plurality of the votes cast shall be sufficient to elect.

The time until the first annual meeting shall be counted as the first year in determining the term of office. Thereafter officers shall be elected annually in place of those whose terms expire at the annual meeting of such union free high school district.

**Annual meeting.** SECTION 495—9. The annual union free high school district meeting for the election of officers and the transaction of other business shall be held on the third Wednesday in March, unless that be a legal holiday, in which case it shall be held the next day.

The election of district officers shall be held in some convenient room in the union free high school building, if there be such building, and if not, then in some other convenient room determined upon by the board and specified in the notice. If the notice does not so specify it shall be understood that the building in which the last annual meeting was held shall be the building designated.

The election of officers shall be by ballot and suitable ballot boxes shall be provided therefor. The polls shall be opened at one o'clock in the afternoon of the day fixed by law for holding the annual free high school district meeting and shall be closed at seven o'clock of the same day. The time of opening and closing the polls as well as the place of holding the election, shall be specified in the notice of such election or meeting, but a failure to so specify the time of opening and closing the polls and designating the place where the annual meeting or election is to be held and conducted shall not vitiate such election.

Immediately after the polls are closed and the ballots counted the electors shall organize for the purpose of conducting the regular and usual business, other than the election of officers, necessary for carrying on and maintaining the union free high school. As soon as the meeting is regularly organized the result of the election of officers shall be declared.

The officers conducting the election shall consist of the union free high school district clerk and two other persons selected by the school district board. If an incorporated village is com-

prised in the district one officer shall be selected from the village and one from the territory lying outside of the village and included in the union free high school district. The inspectors and clerks of this election shall make and keep a list of all the electors, men and women, voting at the election.

The amount of compensation paid to the inspectors or clerks of election shall be such sum as may be agreed upon by the district board, not to exceed two dollars for each inspector engaged and acting in conducting this election, said compensation to be paid from any funds in the treasury of the school district not otherwise appropriated.

**Board meeting—when held.** SECTION 495—10. It shall be the duty of the district board to meet on the Saturday immediately preceding the annual meeting, carefully examine the accounts of the treasurer and make up a full and itemized report of all receipts and expenditures since the last annual meeting, of the amount in the hands of the treasurer or the amount of the deficit, if any, for which the district is liable, of the amount necessary to be raised by taxes for the report of the school for the ensuing year, and of the amount required to pay the interest or principal of any debt due or to become due during the year; which report shall be submitted in writing at the annual meeting and recorded by the clerk at length with the action thereon in the proceedings of the meeting.

**Notice of annual meeting.** SECTION 495—11. The clerk shall give at least six days' previous notice of the annual meetings by posting notices therefor in six or more public places in the district, one of which shall be affixed to the outer door of the union free high school building, if there be one in the district, and he shall give like notice for any adjourned meeting if the adjournment be for more than one month; but no annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

**Special meetings—how called.** SECTION 495—12. Special meetings shall be called by the clerk or in his absence by the director or treasurer on the written request of twenty legal voters of the district, and notices thereof specifying particularly the business to be transacted shall be posted in the manner prescribed for calling the annual meeting; and the electors when lawfully assembled at a special meeting shall have power to transact the same business as at the first or annual meeting ex-

cept the election of officers. But no more than one such special meeting to consider the same subject shall be held in the district in the same school year. No tax or loan or debt shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by written notice left at their places of residence, stating the time, place and objects of the meeting, and specifying the amount proposed to be voted at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held.

**Who may vote.** SECTION 495—13. Every resident elector of the district shall be entitled to vote in any annual meeting, provided such elector has resided therein for at least thirty days next preceding any meeting.

**Electors—power of.** SECTION 495—14. The inhabitants of any school district qualified by law to vote at a high school district meeting when assembled at the first and each annual meeting in their district or at any adjournment thereof, shall have power:

(1) To appoint a chairman for the time being, and in absence of the clerk to appoint some person to act in his stead, and the person so appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district and file and preserve the certificate of such temporary clerk.

(2) To adjourn from time to time as occasion may require.

(3) To vote such tax as the meeting shall deem sufficient to purchase or lease a suitable site for a schoolhouse, to build, hire, or purchase a schoolhouse and to keep in repair and furnish the same with necessary furniture and ventilating and heating apparatus, and to provide for the equipment and maintenance of the union free high school.

(4) To authorize and direct the sale of any union free high schoolhouse, site or other property belonging to the union free high school district when the same shall be no longer needed for use in the district.

(5) To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

(6) To authorize the union free high school district board to borrow money as provided in the statutes.

(7) To authorize the union free high school district board to purchase text-books for use in such high school, to be loaned or furnished pupils under such conditions as, by such vote and regulations of the board thereunder, may be prescribed.



(8) To determine the length of time a union free high school shall be taught in said union free high school district the then ensuing year, which time shall not be less than nine months.

**Vacancies in board—how filled.** SECTION 495—15. The board may fill by appointment any vacancy that may occur in their number within ten days after such vacancy shall occur; and if such vacancy shall not be so filled, the town or village clerk of the town or village in which the union free high school house is situated shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same unless within five days thereafter he shall file with the clerk or director a written refusal to serve, and any person so appointed shall hold office until the next annual meeting, at which the electors shall fill such vacancy for the unexpired term.

**Failure to vote tax—how levied.** SECTION 495—16. If any union free high school district at its annual or at any subsequent special meeting prior to the third Monday of November following, shall not vote a tax sufficient to maintain a union free high school for the term of nine months during the current year, the board, on or before the next Wednesday following said third Monday in November shall determine the sum necessary to be raised to maintain such school, and the clerk shall forthwith certify to the town or village clerks the amount so assessed who shall assess the same as other district taxes are assessed.

**Incorporation of village or city not to affect district organization.** SECTION 495—17. The incorporation of a part of the territory of a union free high school district organized under the provisions of this act, as a village or city shall not affect the organization of such union free high school district.

**Taxes—how collected.** SECTION 495—18. All taxes provided for in this act shall be levied and collected as in the case of single or joint common school districts of the state.

SECTION 495—19. All acts and parts of acts relating to town free high schools not conflicting with the preceding sections shall be in force and effect and shall apply to union free high schools established under this act, and the provisions relating to state aid to town free high schools shall be applicable to all union free high schools established under this act.

## XIV.—STATE GRADED SCHOOLS.

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**Districts which may receive special state aid for maintaining graded schools.** (Chapter 289, laws of 1909, amending chapter 374, laws of 1907, as amended by chapter 289, laws of 1905, as amended by chapter 285, laws of 1903, amending chapter 439, laws of 1901.) SECTION 496d. The school board of any school district, \* \* \* maintaining a graded school but no free high school nor a \* \* \* school of a grade equivalent to a free high school, town free high schools excepted, may receive special state aid as hereinafter provided upon full compliance with the following conditions.

**Classes.** 1. There shall be two classes of state graded schools in Wisconsin, known respectively as first class and second class; all state graded schools of three or more departments shall be in the first class, and all graded schools of two departments shall be in the second class.

**Average daily attendance—length of school year.** 2. Schools shall be maintained in the district receiving such aid, at least nine school months, including legal holidays, in each and every department. At least three departments in schools of the first class and both departments in schools of the second class shall have an average daily attendance of not less than fifteen pupils for the entire school year, to entitle the school to state aid.

**Qualifications of teachers.** 3. All persons employed in both classes of graded schools applying for state aid shall be competent teachers and shall hold the following grade of certificate: The principal of a state graded school of the first class shall hold some form of a state certificate. In each school of this class one assistant shall hold a third grade certificate, or a

certificate of a higher grade, provided such assistant, if holding a third grade certificate shall have had one year's successful experience as a teacher in the public schools of Wisconsin; one assistant shall hold a second grade certificate, or a certificate of a higher grade, and all other assistants shall hold first grade certificates or certificates of the higher grade. The principal of a state graded school of the second class shall hold a first grade county certificate, or some form of a state certificate and shall have had not less than one year of successful experience as a teacher in a public school or a second grade county certificate and shall have had not less than two years of successful experience as a teacher in a public school, provided that the testimonial of successful experience herein required shall be issued by the county superintendent of schools in the county in which the certificate is in force, and the assistant shall hold a third grade certificate, or a certificate of a higher grade, provided such assistant, if holding a third grade certificate, shall also have had one year's successful experience as a teacher in the public schools of Wisconsin. The word "principal" is hereby interpreted as meaning the teacher of the highest grade or grades in the schools who shall have immediate supervision of all the grades; the word "assistant" is hereby interpreted as meaning each and every teacher in the state graded school other than the principal.

**Condition of building and grounds.** 4. The schoolhouse or schoolhouses, the outhouses, and the grounds, the furniture, and equipment shall be maintained in good condition and kept free from any unsanitary feature.

**Equipment.** 5. Sufficient equipment, including globes, maps, blackboards, library, and other essentials for the proper work of the school shall be provided by the school district.

**Inspection of school—application for state aid.** 6. When the school board of any school district desires to secure state aid for its graded school, said school board shall make written application for the same to the state superintendent. No graded school shall be entitled to be placed upon the list of state graded schools and to receive special state aid until said school shall have been duly inspected by the state superintendent, or some member of his staff, and found to be fully complying with all the conditions of this act.

**Application—when made.** 7. In order that any graded school may receive special state aid as herein provided, application shall be made to the state superintendent by the school board before the first day of September preceding the school year for which said special state aid is requested.

Under this chapter teachers who hold second grade certificates and who have had at least two years' successful experience may be legally engaged as principals of state graded schools of the second class. A teacher who holds a first grade certificate must have had at least one year's successful experience. The word "year" now means at least eight months. Previous to this seven months constituted a lawful school year. The testimonial of successful experience must be certified to by the county superintendent and a copy filed with the clerk of the district subject to examination by the state graded school inspector.

**State graded schools—state aid—amount of.** (Chapter 375, laws of 1907, amending section 10 of chapter 439, laws of 1901, as amended by chapter 332, laws of 1905.) SECTION 496e. 1. Any school district which shall have maintained a graded school of the first class in accordance with the provisions of this act shall be entitled to receive from the general fund of the state, annually, the sum of three hundred dollars. Any school district which shall have maintained a graded school of the second class in accordance with the provisions of this act shall be entitled to receive from the general fund of the state, annually, the sum of two hundred dollars.

2. To obtain such state aid the school board shall, on or before the first day of August of each year succeeding the school year in which the application is made, report to the state superintendent, under their oaths, that such state graded school has complied with all the provisions of this act. Thereupon the said state superintendent shall fix the amount to be paid such district, and certify the same to the secretary of state, the secretary of state shall then draw his warrants upon the state treasurer for the several claims of the school districts.

3. The secretary of state shall annually include and apportion in the state tax such sum as shall have been certified by the state superintendent under the provisions of this act.

4. Upon receipt of the annual state taxes said state treasurer shall pay to the school district treasurers, the several amounts called for by such warrants.

5. The state superintendent is hereby empowered to refuse state aid to any school district which in his judgment has failed to comply with the provisions of this act.

6. The whole amount annually paid under the provisions of this act shall not exceed one hundred and twenty thousand

dollars, and if more be demanded by the state graded schools, it shall be paid proportionally. Any unexpended balance shall revert to the general fund.

Districts maintaining state graded schools of the second class may receive hereafter two hundred dollars annually instead of one hundred dollars as heretofore. It is intended that this additional sum shall aid school districts to secure better teachers, better school room and school ground conveniences, better buildings and better heating, ventilating and lighting. It is not intended solely to relieve the district from any burden of taxation for ordinary school purposes. See comments under section 436.

**Inspectors.** SECTION 11. The state superintendent is hereby authorized to appoint two persons of suitable qualifications to assist him in inspecting and supervising the state graded and free high schools, and to aid him in giving information and needed assistance to localities in organizing such schools. Such persons shall be known as state school inspectors, and shall each receive an annual salary of eighteen hundred dollars, and reimbursement for all actual and necessary traveling expenses incurred, when duly certified to by the state superintendent; said salary and expenses to be paid monthly from the general fund, and to be deducted from the annual appropriation provided for in this act, before the apportionment is made to the state graded schools. Said state school inspectors, when not engaged in the specific duties enumerated herein, may be assigned for such other duties as the state superintendent may determine and designate.

**Course of study; reports.** SECTION 12. The state superintendent shall prepare a course of study suitable to be pursued in graded schools, publish the same, and furnish to school boards upon application. This course of study shall be followed by all state graded schools, as one condition of securing special state aid. Said state superintendent shall furnish suitable blanks for annual and special reports for all such state graded schools, which reports shall call for such information as he may deem necessary. The refusal or neglect of the school board or any of its officers to file these reports with the state superintendent when called for, shall be deemed sufficient ground for refusing special state aid, as provided for in this act.

**Number limited; incorporated cities excluded.** SECTION 13. No more than one such graded school in any village, or school district or sub-district, shall receive state aid as herein provided, nor shall any graded school in any incorporated city participate in said state aid.

**Appropriation.** SECTION 14. There is hereby appropriated out of any moneys in the general fund of the state not otherwise appropriated, a sufficient sum of money to meet the provisions of this act.

A district having a school of but one department, with a large attendance may, under this law, find it decidedly advantageous to organize an additional department, properly grade the school, and by so doing become entitled to special aid from the state, to the amount of \$200 or \$300 per annum, as the case may be. Applications for place upon the graded school list should be made before the first day of September, in any year. The following directions and suggestions are given for the consideration of school boards of districts interested in securing special aid under this chapter.

1. Write to the state superintendent for a special application blank.
2. When the blank is received, call a meeting of the school board in accordance with law, make a motion to apply for state aid, record this motion and the vote upon it as a part of the minutes of the meeting, then fill out the application which must be signed by at least a majority of the members of the board, and return it to the state superintendent.

If it is proposed to organize an additional department to your school for the coming year, you should plan to recommend the levying of a tax sufficient to meet such changes as may be necessary, to the electors at your annual school district meeting to be held the first Monday in July. Provision must also be made for nine months of school during the year.

The application for the state aid, properly signed, must be in the hands of the state superintendent before September 1 of any year.

In the employment of teachers, the board must see that each teacher holds an unexpired certificate of a grade demanded for the department of which each teacher is to take charge.

## XV.—RURAL SCHOOLS.

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**Special state aid.** (Chapter 600, laws of 1907, as amended by chapter 154, laws of 1909, amending sections 560f, 560g, 560h and 560i only and adding section 560n.)  
**SECTION 560f.** Every school district which shall have maintained a school or schools for eight months the previous year, supplied needful apparatus and text books, and kept the school-house and out buildings in proper condition and repair, shall for the purposes of this act, be deemed to have maintained a rural school or schools of the second class.

**SECTION 560g.** Every school district not composed wholly or in part of an incorporated village or city, nor containing a state graded school, which shall have maintained a school or schools for eight months the previous year, provided a suitable school building and out buildings, needful apparatus, supplementary readers and installed an adequate system of ventilation, and done efficient work, shall, for the purposes of this act, be deemed to have maintained a rural school or schools of the first class.

**SECTION 560h.** Any district maintaining a rural school or schools of the second class shall be entitled to a share in all state and county school moneys. Any district maintaining a rural school or schools of the first class shall be entitled, in addition to the moneys specified for rural schools of the second class, to special state aid to the amount of fifty dollars per year for each school so maintained for three years to be paid from the state treasury.

**SECTION 560i.** The state superintendent shall inform the county and district superintendents as to what shall be considered needful apparatus and proper equipment and an improved system of ventilation for rural schools; and in case of disagreement between the school district and the county or district superintendents as to whether a school has the proper equipment, his judgment shall be final.

SECTION 560j. Any school district which desires special state aid as provided in section 560h of this act, shall make out an application in writing to the county or district superintendent on a blank furnished by him setting forth the condition of the buildings, the amount and nature of the apparatus in the school and a description of the system of ventilation used or in use. A defect in the building or ventilating system or a deficiency in apparatus in process of repair, the county superintendent may consider it, for the purposes of this application, as having been completed; subsequent neglect, however, to complete such repairs or to make such purchases as the board have previously certified to be in process of making, shall be ground on which the county or state superintendent may revoke the approval of the application.

SECTION 560k. If the county superintendent shall approve of the application, he shall endorse the same and remit it to the state superintendent of public instruction who shall act upon the applications in the order of their reception.

SECTION 560l. To each district which shall comply with all the provisions of this act, and whose application for aid shall have been approved by him, the state superintendent shall apportion the sum of fifty dollars for each rural school of the first class maintained by said district which shall be paid in the same manner as other forms of special state aid are now paid.

SECTION 560m. To carry out the provisions of this act there is hereby appropriated annually out of the moneys assessed and collected under the provisions of chapter 313, laws of 1903, amending section 1072a of the statutes of 1898, a sum sufficient to meet all the approved claims coming under the provisions of this act.

SECTION 560n. 1. As used in sections 560f, 560g, 560h, 560i, 560j, 560k, 560l, 560m and 560n the words "school district" shall include sub-districts in towns which have adopted the township system of school government.

2. Nothing contained in this act shall be construed so as to increase the number of payments which may be received by any district for any school qualified as required by sections 560f, 560g, 560h, 560i, 560j, 560k, 560l and 560m to more than three on account of any one school.

This is distinctly for the purpose of bringing about better conditions in the country schools in the state. It provides that the sum of fifty dollars annually shall be paid as special aid for a period of three years. Before the district can, however, receive this fifty dollars it will be necessary that school shall be maintained for at least eight months and the conditions named in the chapter complied with. The special apportionment will be provided for at the time the regular an-



nual apportionment is provided for and will be available at the same time, February 1909. This act is of special interest to school boards. It was impossible in the law to specifically define just what is meant by "suitable school building", "out buildings", "needful apparatus", "supplementary readers", "adequate system of ventilation", and "efficient work in teaching". The interpretation of most of these terms and some others will be found in the comments under chapter 39, Laws of 1907, as printed in this code. Indeed there is no reason why all that is required in chapter 39 should not be required under this chapter. In order that the teaching work may be "efficient" it is essential that good order shall have been maintained in the school; that the teacher shall have been competent, energetic, faithful and progressive in the work of instruction. In other words, the district must have maintained what will be considered by every intelligent patron and the county superintendent as a good school in every essential particular. The term "adequate system of ventilation" includes also a system of heating. The two naturally go together. It does not mean, however, that it is necessary for the district to purchase some patented system manufactured by regularly established firms and furnished through soliciting agents. As long as the system is "adequate" it will be considered sufficient. The attention of all school boards is called especially to the provisions of this chapter and chapter 39. They naturally go together, and the comments under chapter 39 will make plain all particulars and especially those relating to methods of properly heating and ventilating the school room. Read also chapter 232.

## XVI.—TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT.

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**Districts and sub-districts.** SECTION 516. Every town which is now or may hereafter be organized in this state is hereby declared and constituted one school district for all the purposes in this chapter hereinafter prescribed and the several school districts and parts of joint districts which are now or may hereafter be established in the several organized towns shall be styled and known as sub-districts whenever such town shall have voted to adopt the township system of school government as provided in section 552.

**Sub-districts, formation and alteration of.** SECTION 517. New sub-districts may be formed and the boundaries of any sub-district may be altered by the town board of directors at any regular meeting of said board; but the formation and alteration of any joint sub-district shall be by concurrent action of the board of directors of all the towns embraced in part in such sub-districts; provided, that no sub-districts shall be maintained or formed which has residing within its limits less than fifteen children of school age, and that in any sub-district such board may maintain so many branch schools as the convenience of the school population may require.

**Board of directors.** SECTION 518. The clerks of the several sub-districts in any organized town, together with the clerks of the joint sub-districts the schoolhouses of which are situated in such town, shall constitute the town board of school directors.

**Their powers.** SECTION 519. The said board shall be a body corporate and shall possess the usual powers of a corporation for public purposes, by the name and style of "the board

of school directors of the town ——” (the name of the town to which the board belongs), and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding real and personal estate and of selling the same, as authorized by law; and the clerks of the various school districts, together with the clerks of the joint school districts the schoolhouses of which are situated in any town adopting the township system, shall constitute the first board of directors of such town; they shall meet and organize within two weeks after the election at which such system shall be adopted, and hold their offices until the next annual meeting of the sub-districts of such town.

**Care of property.** SECTION 520. Each board of directors have, in their corporate capacity, the title, care and custody of all schoolhouses, schoolhouse sites, furniture, apparatus and other property of all kinds belonging to the sub-districts therein, and may control the same in such manner as will best subserve the interests of the schools in their town.

**Meetings.** SECTION 521 (as amended by chapter 416, laws of 1901). The said board shall hold two regular meetings in each year. The first shall be the annual meeting and shall occur on the second Monday in June, and be held at, or as near as may be, the place where the last annual election was held; the second shall be the semi-annual meeting and shall occur on the third Monday in March, and be held at such place as the board may designate by rule or as was fixed at the preceding annual meeting. The hour of meeting shall be ten o'clock in the forenoon.

**Special meetings; members; expenses.** SECTION 522. Special meetings may be called by the secretary, or in his absence or disability, by the president upon the application of one-third of the members of the board, and shall be called by notifying each member personally or by leaving a written notice at his place of residence or business stating the time, place and objects of the meeting at least five days before the time appointed therefor. The members shall be reimbursed their expenses actually and necessarily incurred in attending all meetings, bills for which shall be audited by the board.

**Officers of board; secretary's compensation.** SECTION 523 (as amended by Chapter 160, Laws of 1901). The members of the board, a majority of whom shall constitute a quo-

rum, assembled at each annual meeting, shall elect from their number a president and a vice president; also a secretary who may or may not be of their number, but who shall be a resident of the town and hold said office for one year or until his successor is elected. Such secretary shall receive compensation of not less than two nor more than three dollars per day for not to exceed twenty-five days in each school year, and the other members of the executive committee may, when the electors at the annual town meeting shall so decide, receive a compensation of two dollars per day for not to exceed fifteen days in any one school year. The officers shall present a statement of their services rendered at the annual meeting of the board. Vacancies in either of such offices may be filled at any special meeting of the board, the notice for which shall state the object of the meeting to be to fill the vacancy existing, or at any semi-annual meeting; and the persons elected to fill any vacancy shall hold the remainder of the unexpired term.

SECTION 2. In towns under the township system of school government, the electors assembled at the annual town meeting to be held the first Tuesday of April, 1901, and at every annual meeting thereafter, shall by ballot or viva voce vote elect three competent persons, tax payers in the town, who shall act as a committee of audit of school district accounts. This committee shall meet with the secretary of the town board of school directors of said town, on the Saturday immediately preceding such annual town meeting at such an hour and place as shall be previously agreed upon between such committee and such secretary of the town board of school directors. Said secretary shall thereupon place in the hands of said committee a copy of his report made to the town board of supervisors under section 534 of the statutes of 1898, with all books, accounts and vouchers in any way relating or pertaining to the management and conduct of the school affairs of the town. Upon receipt of said reports, books, accounts and vouchers, the committee shall immediately proceed to make a careful examination thereof and a written report of their findings and conclusions, said report to be presented and read to the electors assembled at the annual town meeting, immediately after the presentation by the town board of supervisors of the report made to them by the secretary of the town board of school directors and before any action is taken by the electors of the town, as provided under section 535 of the statutes of 1898. The report of this committee shall be signed by the members, or a majority thereof, and shall be entered upon the

record books of the secretary of the town board of school directors, as a part of the records of the town.

Sections 530 to 537 name the special duties of the secretary of the town board of school directors. His total compensation can not be made to exceed seventy-five dollars in any one year.

**School buildings, sites, etc.** SECTION 524 (as amended by Chap. 351, Laws of 1901). The board may, out of the funds provided by the town for that purpose, purchase or hire sites, houses and rooms for the use of the schools, fence and improve the same, and upon such sites build, enlarge, alter, improve and repair school houses, outhouses or other buildings for school purposes, provide suitable water supply and arrange for the transportation of any or all pupils who live in said town, to and from any school or schools which the said board shall have established, maintained and designated and whenever any school house or site is no longer needed for school purposes may sell and convey the same, such conveyance to be executed by the president and secretary of the board.

**Estimates of expenses.** SECTION 525. Said board shall, at the regular meeting in March, annually estimate and determine the amount of money which will be necessary for the support of schools and for the building and repairing of school houses in the town for the year beginning on the first day of July next following.

**Maintenance and government of schools.** SECTION 526 (as amended by Chap. 351, Laws of 1901). Said board shall establish and maintain such and so many schools in the several subdistricts under their charge as they may deem requisite and expedient. There shall be at least one common school in each sub-district, provided that this provision may be suspended for any sub-district by the state superintendent, whenever the town board of school directors shall present to him satisfactory evidence that they have made proper provision for the transportation of pupils residing in any sub-district, to and from the school or schools in another sub-district or sub-districts, as the case may be. The board shall have the supervision and management of all the schools, with full power to adopt, enforce, modify and repeal, from time to time, all rules and regulations not inconsistent with law necessary for their organization, graduation and control, and for the instruction given therein, and to establish and enforce proper penalties for the violation of such rules and regulations.

**Powers of boards.** SECTION 527. All powers conferred upon district boards by the provisions of this chapter, excepting those the exercise of which would conflict with the provisions of law relative to the township system, are hereby conferred upon the town boards of directors herein provided for.

**Executive Committee.** SECTION 528. The president, vice-president and secretary of the town board of directors shall constitute an executive committee, who shall execute all orders of the board; and for this purpose all power and authority vested in such board shall be deemed vested in the executive committee, and any duty devolved upon said board shall devolve upon such committee; but all the acts of the latter shall be subject to review by the board at any regular meeting thereof.

**Employment of teachers.** SECTION 529. The executive committee shall employ so many qualified teachers as they shall deem necessary to give instruction in all the schools under the charge of the board. Each contract shall be in writing; shall be signed by the teacher and by the president and secretary; shall specify the wages per week, month or year agreed upon by the parties, and when completed shall be filed in the office of the secretary of the town board of school directors, with a copy of the teacher's certificate attached thereto.

**Secretary's duties.** SECTION 530. The secretary shall record all the proceedings of the board; he shall keep an accurate and specific account of all expenses incurred by the board, including a list of all orders drawn by him, with the date, amount, person in whose favor and object for which each order was issued; he shall properly file all papers deposited with him in accordance with law, and shall keep and preserve all books, papers and records belonging to his office and deliver the same to his successor.

**Map and change of sub-district.** SECTION 531. He shall make and keep in his office an accurate map of his town showing the boundaries of all sub-districts and joint sub-districts and the location of all school houses and highways therein. When a new sub-district is formed by the board of directors or one is altered he shall, within ten days thereafter, certify to the clerk of each sub-district affected by such formation or alteration a copy in writing of the record of the action of the board in the matter.

**Supervision of schools.** SECTION 532. He shall have the immediate charge and supervision of all schools in the town, and shall, under the direction of the board, organize and grade them and assist the several teachers thereof in classifying and arranging them. He shall visit each school in his town at least twice during each term thereof; shall examine into its condition and progress; consult with and advise the teachers in regard to the methods of instruction and government, and shall report to the board from time to time such improvements as his experience shall dictate are calculated to benefit the school.

**Orders on treasurer.** SECTION 533. He shall draw orders on the town treasurer for moneys in the hands of such treasurer which have been apportioned to the town and for money collected or received by him from other sources for school purposes for the payment of teachers' wages, the purchase of school sites, the building, buying, hiring, repairing and furnishing of school houses and for all other lawful purposes, and each order shall designate the object for which and the fund upon which it was drawn and shall be countersigned by the president.

The town government has no control of schools established under the town system. Even the electors of the town have no control except to refuse to vote the estimates presented by the board. The treasurer holds all school money for the benefit of the school board, and it can only be paid out on its order. The town, having no authority as such to provide any moneys for the support of the schools under the care of the board of directors, is not liable upon the orders issued by that board when there are no funds in the hands of its treasurer to pay such orders. *Miller v. Jacobs*, 70 Wis., 122.

**Secretary's report.** SECTION 534. It shall be the duty of the secretary, at least five days before the annual town meeting or election each year, to make to the board of supervisors of the town a written statement showing the receipts of money for school purposes from all sources, and the disbursements of the same, actual and estimated, during the year ending on the last day of June next following, in which statements shall be given under separate heads:

1. The amount in the treasury at the beginning of the year.
2. Amount received from the state fund.
3. Amount collected by town treasurer.
4. Amount received from all other sources.
5. The manner in which the sums have been expended, specifying the amount paid under each head of expenditure.
6. Amount remaining in treasury.
7. Amount of indebtedness of the township district and when and how payable.

The secretary shall accompany the above statement with estimates of the board of the amount necessary for the support of schools during the year beginning on the first day of July next following, specifying the sums needed, under the following heads:

1. Amount of teachers' wages.
2. Amount for school house sites and for building, leasing or purchasing school houses.
3. Amount for fuel.
4. Amount for incidental expenses, including repairs, furniture, maps, globes, charts, and for all needful school room appurtenances.
5. An amount not to exceed one hundred dollars to purchase library books.

**Action by electors on estimates.** SECTION 535. Each town board of supervisors shall present such statements and estimates to the electors of the town at the annual town meeting, and the items thereof shall be passed upon separately by a vote of the electors present, but upon motion they may be increased or diminished; and if, for any reason, money for the support of schools shall not be voted at such meeting, or a sufficient amount shall not then be voted, the supervisors shall present the estimates before mentioned to the electors at the general election for a vote thereon.

**School registers.** SECTION 536. The secretary shall furnish school registers in the form prescribed by the state superintendent, in which every teacher in the town shall be required to enter the names, ages and studies of all the scholars attending school and, daily, their attendance and absence, which register shall be deposited with the clerk of the sub-district at the end of each term of school.

**Report to superintendent.** SECTION 537. It shall be the duty of the secretary, on or before the first day of August in each year, to make and transmit to the county superintendent a report in writing bearing date on the first day of August in the year of its transmission, stating:

1. The whole number of sub-districts separately set off within the town, and the number of parts of joint sub-districts in which the school houses belonging thereto are located in his town.
2. The sub-districts and parts of sub-districts from which reports shall have been made within the time limited for that purpose.



3. The length of time a school shall have been taught in each of said sub-districts or parts of districts by a qualified teacher.

4. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each, designating males and females separately.

5. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board and the amount raised by the town at its annual town meeting or general election.

6. The manner in which said money has been expended, and whether any, or what part, remains unexpended, with such other information as the state superintendent may from time to time require.

**School taxes.** SECTION 538. The town clerk shall apportion all sums voted for the support of schools upon the taxable property of the town as found in the tax roll for the year in which said money is voted, and the sums so apportioned shall, in all respects, be collected or returned delinquent like other taxes, and when collected the money shall be held by the treasurer and be by him paid out on the order of the president and secretary of said board.

**Taxation in counties, towns and school districts.** (Chapter 439, Laws of 1903, amending Section 1074, Sub-division 1, of Section 776, and also Section 730a, Statutes of 1898.) SECTION 1074. The county board shall also at said meeting, determine by resolution the amount of taxes to be levied in their county for county purposes for the year, and also the amount to be raised by tax in each town for the support of common schools therein for the ensuing year, which shall not in any town be less than the amount apportioned to such town in the last apportionment of the income of the school fund; and by separate resolution, adopted by majority of the members of the board not prohibited from voting thereon by section 703, determine the amount of tax to be levied to pay the compensation and allowances of the county superintendents of schools and designate therein the cities exempt from taxation therefor; provided, however, that the total amount of county taxes assessed, levied and carried out against the taxable property of any county in any one year shall not exceed in the whole one-

half of one per centum of the total assessed valuation of said county for the preceding year as fixed by the state board of equalization, excepting in so far as a larger percentage may be necessary in order to meet indebtedness incurred prior to the passage and publication of this act.

**Roads and bridges.** (Sub-division 1, of Section 776, amended by Chapter 439, Laws of 1903, as amended by Chapter 13, Laws of 1905.) To vote to raise money for the repair and building of roads or bridges, or either; for the support of the poor and defraying all other charges and expenses of the town; provided, however, that the total taxes levied in any town for any one year for all town purposes, exclusive of school taxes and liabilities heretofore lawfully incurred, shall not exceed in the whole, one and one-half per centum of the total assessed valuation of such town for the preceding year, as equalized by the town board of equalization, unless a larger sum is needed for the building or repairing of highways or bridges, in which case the electors may vote and the proper authorities may levy, not to exceed one-half or one per centum in addition to the aforesaid one and one-half per centum; provided, further, that not exceeding two percentum additional may be levied for school purposes when under the township system of school government.

**Limitation of taxes.** SECTION 430a. The total amount of school district tax hereafter levied in any school district in this state in any one year for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed two per cent. of the total assessed valuation of taxable property in such school district for the preceding year.

This chapter is printed here as a whole, although parts of it have already been given in other places in this volume. It is of general interest to all town and district officers and voters and should be carefully studied in order that action taken at town and district meetings may not be declared invalid for lack of complying with the statute. It seems to limit the amount of tax which may be levied for all school purposes to two per cent. of the assessed valuation in towns under the township system of school government and to two per cent. in all other school districts.

**Proceedings if electors do not vote enough.** SECTION 539. If the electors of a town shall fail to vote an amount of money sufficient to maintain a school in each sub-district for eight months during the year ensuing, the secretary shall, on

or before the third Monday of November of the year in which the electors shall so fail, certify to the town clerk the amount estimated by the board of directors to be necessary for teachers' wages, fuel, repair of school houses and incidental expenses, and the town clerk shall apportion the aggregate sum thus certified upon all the taxable property of the town in the tax roll for that year and the town treasurer shall collect the same as other taxes.

**Town treasurer's duty.** SECTION 540. The town treasurer of each town shall apply for and receive from the treasurer of his county all money apportioned for common schools in his town, and shall keep it, together with all money collected or received by him for school purposes in a fund separate and distinct from all other money belonging to the town, and shall pay out the same only upon the order of the president and secretary of the town board of directors. The town treasurer shall place to the credit of the school fund all money levied in the town for school purposes before placing any sum to the credit of any other fund or paying any town order.

**Sub-district meeting.** SECTION 541 (as amended by Chap. 416, Laws of 1901). The annual meeting of each sub-district shall be held on the first Monday in June unless that be a legal holiday, in which case it shall be held on the next day at seven o'clock in the afternoon. Such meeting shall be held in the school house in the sub-district if there be one; and if there be none, at such place as the last annual meeting was held, unless such meeting shall have agreed upon another place, in which case it shall be held at such place.

**Powers of meeting.** SECTION 542. The inhabitants qualified by law to vote at a sub-district meeting, when assembled in annual meeting, shall have power and it shall be their duty:

1. To appoint a chairman for the time being.
2. To appoint a secretary if the clerk shall be absent.
3. To choose a clerk.
4. To recommend to the town board of directors the number of months they desire to have school maintained in their sub-district the ensuing year, and whether they desire a male or female teacher; the improvement and repairs which ought to be made on the school house, outhouses and grounds; what maps and charts or other aids in teaching should be furnished, and generally any thing, matter or plan which in their judgment

will advance the cause of education and benefit the school of their sub-district.

**Clerk's duties.** SECTION 543. The clerk shall record the proceedings of all sub-district meetings; shall certify to the town board of directors any recommendations adopted by the electors of his sub-district in accordance with the provisions of the preceding section, and shall have charge of the school house and of all property therein or belonging or attached thereto, subject to the order or direction of the board of school directors.

**Clerk, member of board, his report.** SECTION 544. The clerk of the sub-district shall be a member of the town board of school directors, shall attend all meetings of the board, and shall carry out all lawful orders of the same having reference to the school house of his district or the school maintained therein. It shall be the duty of the sub-district clerk, between the tenth and fifteenth days of July in each year, to make and transmit to the secretary of the town board of school directors a written report, dated on the tenth day of July of such year, signed by him and verified by his affidavit, showing:

1. The number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in the district, and the names of their parents or other persons with whom such children resided respectively on the last day of June preceding.

2. The whole number of children, males and females, designated separately, between the ages of four and twenty years, taught in the district school during the year for which such report is made by teachers duly qualified.

3. The number attending school during the year under the age of four and the number over the age of twenty years.

4. The whole time, in days, any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law.

5. The names of all teachers employed during the year, the number of days taught by each, including holidays, and the monthly wages paid to each, and the time allowed any teacher for attendance on any institute from which no wages were deducted.

6. The kinds of books used in the school.

7. Such other facts and statistics in relation to the schools, public or private, in such district as the state superintendent

may from time to time require. The clerk of each joint sub-district shall report to the secretary of the town board of school directors, or to the town clerk of each town, as the case may require, a part of which is embraced in such sub-district, the number of children residing in such part, in the manner set forth in this section, and the remainder of the items specified in this section shall be embraced in the report made to the town in which the school house is situated.

**Notice of meeting.** SECTION 545. The sub-district clerk shall give at least six days' notice of every annual meeting of the electors of his sub-district by posting notices therefor in four or more public places in the sub-district, one of which notices shall be affixed to the outer door of the school house, if there be one in the sub-district, and he shall act as secretary of all meetings when present.

**Clerk, appointment of.** SECTION 546 (as amended by Chapter 131, laws of 1909). When a new sub-district is formed or a vacancy occurs in the office of the sub-district clerk the executive committee of the board of directors shall appoint a clerk, who shall hold his office until the annual meeting of the sub-district next succeeding such appointment, and if such vacancy shall not be so filled within ten days the town or village clerk, and in the case of a joint sub-district, the clerk of the town or village in which the principal school house is situated shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same unless within five days thereafter he shall file with the secretary or the president of the town board of directors a written refusal to serve.

**Joint sub-districts.** SECTION 547. When a sub-district is composed of parts of two or more towns the board of directors of the town in which the school house is situated shall have the entire control of said sub-district, and shall maintain a school therein as in other sub-districts; and the clerk of such joint sub-district shall be a member of the board of directors of said town, without regard to the town in which he may reside. At the annual meeting in July the board of directors shall calculate and determine the cost of maintaining the schools in said joint sub-district for the year ending on the last day of June preceding the meeting of the board, and the secretary shall certify such amount to the secretary of the board of each town embraced in part in such joint sub-districts, together with the as-

sessed valuation of said sub-district and each part thereof as found in the assessment roll of the said town for that year; on the receipt of such certificate the secretary of the board of directors of each of said towns shall draw an order on the treasurer of his town in favor of the town in which the school house of said joint sub-district is situated for such a proportion of the whole cost of maintaining said school as aforesaid as the assessed value of the property of his town embraced in said joint sub-district is to the whole valuation thereof, unless the proportion of such school district taxes to be assessed in each such town shall have been ascertained as provided in section 471, in which case he shall draw his order for such proportion, and said order shall be paid out of any money in the hands of said treasurer collected or received by him for the support of schools in his town.

**Joint sub-districts not under township system.** SECTION 548. In case either of the towns embraced in part in said joint sub-district shall not have adopted the township system of school government, the certificate before mentioned shall be made to the clerk of said sub-district, and it shall be his duty to incorporate the proportional sum mentioned in the preceding section in the returns of district taxes made by him to the town clerk of the town not having adopted such system on the third Monday of November succeeding the receipt of said certificate; and the said sum shall be assessed and collected with the other taxes of that part of the joint sub-district, and shall be paid over by the the town treasurer collecting the same to the treasurer of the town in which the school house of said joint sub-district is situated.

**Collection of taxes in such case.** SECTION 549. When the school house of a joint sub-district is situated in a town which has not adopted the township system of school government, the taxes for the support of schools shall be raised, assessed and collected as provided in this chapter; but if any portion of said joint sub-district shall be embraced in a township which has adopted the township system, then the proportion of any district tax which should be assessed upon the property of such part of said sub-district shall be certified by the town clerk of the town in which the school house of said sub-district is situated to the secretary of the town board of directors of the town comprising the part of the said joint sub-district before mentioned; and said secretary shall draw an order upon

the town treasurer of his town in favor of the treasurer of the joint sub-district for the amount of tax thus certified, and the said town treasurer shall pay the same out of any money held or received by him for school purposes.

**Apportionment of tax for buildings, etc.** SECTION 550. Prior to the erection of any school house by the board of directors they shall estimate and determine the valuation of the school houses and sites in their town provided by the several districts while under the district system, and when so determined the secretary shall place upon record a tabular statement containing the number of each sub-district, the value of its school house and site and the valuation of its taxable property as appears from the last assessment roll of the town; and thereafter for a period of ten years from the date of the meeting at which such determination of values was had, when a tax shall be voted to build a school house or purchase a site such tax shall be so distributed and assessed upon the several sub-districts that those having the least amount invested in schoolhouses and sites in proportion to the assessed valuation of their property as appears from the record made at the time of the determination of values aforesaid shall pay most toward said tax in proportion to the valuation of the property at the time the tax is assessed, in order that the sums paid by the different sub-districts in the town for the purchase of sites and the erection of schoolhouses shall be equalized; but if the board of directors of any town shall decide that taxes for the purchase of sites and the erection of schoolhouses shall be assessed equally upon property, then the aforesaid provision in reference to equalizing such taxes shall not be operative in such town.

**Application to cities and villages.** SECTION 551. Whenever the territory of a school district of an incorporated village shall extend beyond the limits of such village the whole of such territory shall remain in such district and form a part thereof until detached by authority of law; and such district and every village containing a graded school of three or more departments shall be exempt from the provisions of this chapter relating to the township system except as hereinafter provided. Whenever a school district includes within its limits an incorporated village or city or maintains a graded school of three or more departments, the adoption of the township system of school government by any town, city or village whose territory includes such school district shall not affect the boundaries, organization or management of such school district, but it shall be exempt from

the operation of such township system and be and remain an independent school district and be conducted and managed in accordance with the law relating to independent school districts unless said school district shall, by a majority vote of the electors of said district at an annual or special school meeting held previous to the adoption of the township system by said town decide to accept the township system of school government when adopted by the town of which said district is a part. And provided further, that the voters of any such district thus exempted from the operation of the township system shall have no voice in the adoption of the township system by the town.

**Adoption of system.** SECTION 552. The voters of any town may, at any annual town meeting or general election, vote upon the question of township school government. Such voting shall be by ballot, and the ballots used shall have written or printed thereon the words "township school government, yes;" or the words "township school government, no." A separate box shall be provided for the reception of said ballots, and the votes cast shall be counted, canvassed and a record thereof made as in case of other votes cast at such election; and if it shall appear that a majority of the ballots cast have thereon the words "township school government, yes," then the provisions of this chapter providing for the township system shall immediately become operative in such town, otherwise they shall have no force or effect therein. No vote shall be taken on such question unless notice thereof shall be given as hereinafter provided. The clerk of any town upon the request in writing of any ten electors thereof asking him so to do, shall post in three public places in said town a notice in writing that the question of adopting the township system of school government will be submitted to the electors thereof at the ensuing annual town meeting or general election. Such notice shall be posted at least ten days before the holding of any such meeting or election; and any town having adopted such system may abolish the same at any such meeting or election in the manner provided for its adoption; but when the system shall be adopted it shall continue in force two years before the question of abolishing it shall be acted upon. Whenever the electors of any incorporated village having a graded school with three or more departments shall desire to adopt the township system of schools they may vote upon the question at any charter or general election; such election shall be by ballot of the form above prescribed and upon like notice, and if a majority of the votes cast upon that subject shall be in favor of the adoption of said system



such village shall become a part of the township system of the town in which the same is situated. Whenever any town having adopted the township system shall vote to abolish the same the town board of supervisors shall, on or before the first day of June next succeeding the date at which the vote was taken, meet and by an order made in pursuance of section 413 divide the town into suitable independent school districts, making the order to take effect on the first day of July next following. The sub-district clerks and the secretary of the town board of directors for the year preceding shall make the annual reports for the year ending on that day as required by law notwithstanding their offices shall have been abolished.

**Irregularities in proceedings, effect on taxes.** SECTION 552a. Whenever any town has attempted or shall attempt to adopt the township system pursuant to section 552, the validity of any and all taxes for school purposes heretofore or hereafter levied and assessed therein shall not be questioned in any action or proceeding, so far as the regularity of the proceeding of any such town in the adoption of such system is concerned unless the plaintiff shall show that he would be required to pay more than his equitable proportion of taxes; and any and all school taxes heretofore levied in any such town which have been voted at the annual town meeting are hereby declared to be valid, even though the provisions of section 535 shall not have been complied with.

**Payment of loans.** SECTION 553. Whenever any school district in any town adopting the township system shall be indebted at the time of such adoption upon a loan from the state or otherwise, such district shall remain liable for the payment of such indebtedness, and no alteration of the boundaries of such district as a sub-district in such town shall ever be made until such debt is fully paid, except as provided in section 263. The clerk of such sub-district shall annually certify to the town clerk the sum necessary to be raised as taxes in such sub-district for the payment of such indebtedness, with interest thereon, in the same manner and with like effect as the clerk of such district was required by law to certify the same, and the town clerk shall extend the amount of such taxes upon the tax roll upon the taxable property of such sub-district in like manner as if the same had been certified by the clerk of such district, and the same shall be collected by the town treasurer and be applied by him exclusively to the payment of such debt.

## XVII.—COUNTY TRAINING SCHOOLS FOR TEACHERS.

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**How organized.** (Chapter 338, laws of 1903, amending chapter 373, laws of 1901, creating five new sections relating to county training schools for teachers.) SECTION 1. The county board of any county within which a state normal school is not located, is hereby authorized to appropriate money for the organization, equipment and maintenance of a county training school for teachers of the common schools.

**Board for; appointments, vacancies, bond, organization.**

SECTION 2. A board to be known as the county training school board, is hereby created, who shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election. Vacancies existing in the board, from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the chairman of the county board, if the county board is not in session when such vacancy occurs. If the county board is in session, vacancies shall be filled by election by said board for the unexpired term. Appointments made by the chairman of the county board, as hereinbefore specified, shall be for the time to elapse until the next regular meeting of the county board. Each person appointed or created a member of the county training school board shall within ten days after the notice of such appointment, take and subscribe an oath to support the constitution of the United States and the constitution of Wisconsin, and honestly, faithfully and impartially to dis-

charge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county clerk. He shall also, within the same time, file a bond in such sum as may be fixed by the county board, which bond shall be filed in the office of the county clerk. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president and one as treasurer; the county superintendent of schools shall be ex-officio secretary of the said board. The said board shall prescribe the duties of the several officers, except as fixed by law.

**Moneys for; how paid.** SECTION 3. All moneys appropriated and expended under the provisions of this act shall be expended by the county training school board, and shall be paid by the county treasurer on orders issued by said board.

**Number that may be organized.** SECTION 4 (as amended by chapter 264, laws of 1909, amending chapter 601, laws of 1907, amending chapter 373, laws of 1901 as amended by chapter 338, laws of 1903). SECTION 411—4. The state superintendent shall give such information and assistance as may seem necessary in organizing and maintaining such training schools. He shall prescribe the course of study to be pursued; shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such reports thereon as shall give full information concerning their number, character and efficiency, provided that he shall not place upon the said list more than \* \* \* twenty-six schools.

SECTION 411—5. 1. Any school established under the provisions of this act, whose courses of study and the qualifications of whose teachers have been approved by the state superintendent, may, upon application, be placed upon an approved list of county training schools for teachers. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided, that he shall not place upon said list more than \* \* \* twenty-six schools. On the first day of July in each year the secretary of each county training school board maintaining a school on the approved list shall report to the state superintendent setting forth the facts relating to the cost of maintaining the school, the character of the work

done, the number and the names of teachers employed and such other matters as may be required.

2. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than ten months during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school for a sum equal to two-thirds the amount actually expended for maintaining such school during the year, provided, that the total amount so apportioned shall not exceed thirty-five hundred dollars in any one school year to any one school.

SECTION 6. [411—6a.] No member of any county training school board shall be employed in the county training school for teachers, either as principal or as assistant teacher during the term for which he was elected or appointed as a member of such county training school board, nor shall any person be employed as a teacher in such school who is not legally qualified for the position of principal of a free high school having a four year course of study, provided that the provisions of this section shall not apply to any person now engaged as a teacher in a county training school.

By this act the number of county training schools for teachers is increased to twenty-six and the sum necessary to enable the state superintendent to apportion a sum equal to two-thirds of the amount actually expended for maintaining such schools during the year, is also provided for.

**Certificates to graduates; effect of.** SECTION 6 (as amended by chapter 509, laws of 1905). Any person who shall complete in a satisfactory manner the course of study prescribed for any county training school, and who shall be of good moral character, shall receive a certificate signed by the principal of the school and by the members of the county training school board. Said certificate shall certify that the person named herein has satisfactorily completed the course of study prescribed for the county training school, and is of good moral character, it shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. Such certificates shall have the force and effect of a third grade certificate issued by the county superintendent of the county or district in which the school is located, for the term of three years from the date of its issue, provided that in case the holder

thereof has never taught, or cannot furnish satisfactory evidence of having successfully taught for at least one school year (eight months) in the public schools of this state, said certificate shall be of full force and effect for one year only, from its date of issue. When satisfactory evidence of successful teaching for at least one year (eight months) upon said training school certificate shall be furnished to the county or district superintendent, said superintendent shall remove the limitation, whereupon the training school certificate shall have the full force and effect of a third grade teachers' certificate for two additional years. Any school superintendent or officer authorized to grant certificates to teachers in Wisconsin schools is hereby authorized, in his discretion, to accept standings obtained by the completion of studies in any county training school in the state, when duly certified by the principal of said school, in lieu of actual examination by said superintendent or examiner at any time within three years from the date of the certificate of completion of the course by the person desiring to have such standings accepted. This provision shall apply to certificates of third and second grades.

**Joint training schools between counties.** SECTION 7 (as amended by chapter 98, laws of 1909). SECTION 411—7. 1. The county boards of two or more adjoining counties may unite in establishing and maintaining a training school for teachers for the purposes and on the same general plan as provided for in \* \* \* sections 411—1 to 411—6, inclusive, of the statutes, and may appropriate money for its maintenance, and whenever two or more counties unite in establishing such a school, the county superintendents of the counties so uniting and two members in addition chosen from each such county, no member of any county board being eligible thereto, shall constitute the joint county training school board, of which the superintendent of the county in which the schoolhouse is \* \* \* located shall be ex-officio secretary. \* \* \*

2. If, at the time of establishing such school, the counties so uniting shall neglect to procure a site or to erect a school building therefor, such joint county training school board shall have power, subject to the approval of the state superintendent, to procure such site and to erect a suitable school building thereon. The joint county training school board shall have power, subject to the approval of the state superintendent to borrow money for the purposes of this act from the trust funds of the state only, payable in not to exceed ten years with the annual

interest at the rate of not to exceed three and one-half per centum, but the total amount of such loans shall not at any time exceed twelve thousand dollars. Loans for site and building purposes shall be made payable in equal annual installments, and provisions for the payment of each such installment, and accrued interest, shall be made in the tax levy and apportionment mentioned in section 411—8 of the statutes.

**SECTION 411—8.** Whenever two or more counties unite in establishing and maintaining such school, the county school board provided for in such cases shall determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, and annually thereafter. They shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of the real and personal property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county on or before the first Monday of November in each year, the amount of the apportionment so fixed, and such amount shall be levied in the county tax of each county for the ensuing year for the support of the school. Each county treasurer shall, immediately upon the collection thereof, pay over all moneys levied and collected pursuant to the provisions of this act to the treasurer of the joint county training school board and file the latter's receipt therefor as a voucher.

**Who may be admitted.** **SECTION 10.** The board of any training school for teachers established under this law in a single county, or by two or more adjoining counties, shall admit to said school, whenever the facilities provided will warrant said board in so doing, any person prepared to enter such school, and who may reside in any county but not within the district where any training school has already been established. Persons so admitted shall be entitled to the same privileges and subject to the rules of the board adopted for the government of such school.

**Tuition of non-residents, how collected.** **SECTION 411—11** (as amended by chapter 223, laws of 1909). Whenever any person not residing in any training school district shall become a student in any training school, the board of such school is hereby empowered to charge a tuition fee for such person to be fixed by a majority of the members of said board at a regular meeting thereof, provided that such tuition fee shall not exceed seventy-five cents per week for each non-resident pupil.

The county board of supervisors of the county of which such person is a bona fide resident, is hereby authorized to, and \* \* \* shall provide by tax upon the property of the county, a sum sufficient to provide for the payment of the tuition on account of the residents of said county, who have attended such teachers' training school, and the amounts so levied shall be collected when and as other taxes are collected, and shall be paid by the county treasurer of said county to the county treasurer of the county in which the training school enrolling such person is situated, and the amount so received by such treasurer shall be placed to the credit of the teachers' training school district.

**Appropriation.** SECTION 12. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sufficient sum to carry out the provisions of this act.

## XVIII.—COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC SCIENCE.

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**How organized.** (Chapter 313, laws of 1909, amending chapter 288, laws of 1901.) SECTION 553c. 1. The county board of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of a county school of agriculture and domestic economy. The county boards of two or more counties may unite in establishing such a school and may appropriate money for its organization, equipment, and maintenance.

2. Immediately after the county board or county boards shall vote to establish a county school of agriculture and domestic economy, the county clerk or clerks of such county or counties, shall notify the dean of the college of agriculture of such vote for the establishment of such school.

3. The dean of the college of agriculture, the state superintendent of public instruction, and the president of the board of agriculture, acting as a committee for such purpose, shall decide upon and notify the county board or boards as to the proper location for such county school of agriculture and domestic economy and the county school of agriculture and domestic economy shall be located at such place as is determined upon by such committee.

SECTION 553l. 1. Any school established under the provisions of this act, whose course of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided, that he shall not place upon said list more than  
\* \* \* ten schools.



2. On the first day of July in each year the secretary of each county school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the county board or the state superintendent. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state.

3. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, for a sum equal to two-thirds the amount actually expended for maintaining such school during the year; provided, that the total amounts so apportioned shall not exceed four thousand dollars to any one school in any one year; when more than one county has contributed to the support of the school, the secretary of state shall draw his warrant payable to the treasurer of each county for such portion of the state aid as the amount contributed by his county is part of the total amount contributed by all the counties for the support of the school for the preceding year. The secretary of state shall annually include and apportion in the state tax such sum as shall have been so paid.

SECTION 2. (Chapter 288, laws of 1901.) A board to be known as the county school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the county board for the term of three years from the date of their election, but no member of the county board shall be eligible. Vacancies existing in the board from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the chairman of the county board, if the county board is not in session when such vacancy occurs. If the county board is in session, vacancies shall be filled by election by said board for the unexpired term. Appointments made by the chairman of the county board, as hereinbefore specified, shall be for the term to elapse until the next regular meeting of the county board. Each person appointed or created a member of

the county school board, shall within ten days after the notice of such appointment, take and subscribe an oath, to support the constitution of the United States and the constitution of Wisconsin and honestly, faithfully, and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county clerk. He shall also, within the same time, file a bond in such sum as may be fixed by the county board, which bond shall be filed in the office of the county clerk. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex-officio secretary of the said board. The said board shall prescribe the duties of the several officers, except as fixed by law.

SECTION 3. Whenever two or more counties unite in establishing such a school, the provisions of section 2 of this act shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex-officio its secretary, and two members shall also be elected from each county by the county board thereof. But no member of the county board shall be eligible.

SECTION 4. Whenever two or more counties unite in establishing and maintaining such school, the county school board provided for in such cases shall determine the amount of money necessary for the equipment and maintenance of the school for the second year, and annually each year thereafter; they shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county, as last fixed by the state board of assessment, and shall report to the county clerk of each county the apportionment so made on or before the first Monday of November in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of the school.

SECTION 5. The county treasurer shall be ex-officio treasurer of said board; all moneys appropriated and expended under the provisions of this act, shall be expended by the county school board, and shall be paid by the county treasurer or treasurers on orders issued by said board, and all moneys received by said board shall be paid to the county treasurer for the fund of the county school board.

SECTION 6. In all county schools of agriculture and domestic economy organized under the provisions of this act, instruction shall be given in the elements of agriculture, including

instruction concerning the soil, the plant life, and the animal life of the farm; a system of farm accounts shall also be taught; instruction shall also be given in manual training and domestic economy, and such other subjects as may be prescribed.

SECTION 7. Each such school shall have connected with it a tract of land suitable for purposes of experiment and demonstration, and not less than three acres in area.

SECTION 8. The schools organized under the provisions of this act shall be free to inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study, provided they shall have at least the qualifications required for completion of the course of study for common schools. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary.

SECTION 9. The state superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency.

## XIX.—DAY SCHOOLS FOR DEAF AND FOR THE BLIND.

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**How organized.** (Chapter 128, laws of 1907, amending sections 578 and 579a, chapter 86, laws of 1903, and creating sections 579m and 579n, statutes of 1898.) SECTION 578. 1. Upon application by the board of education of any village or city, made to the state superintendent, he may grant permission to such city or village to establish and maintain within its corporate limits one or more schools for the instruction of deaf persons who are residents of this state.

2. (as amended by chapter 537, laws of 1909.) The board of education of any village or city which shall maintain one or more such schools, shall through its clerk or secretary report to the state superintendent annually, and oftener if he so direct, such facts relative to such school or schools as he may require.

(2) There shall be paid out of the state treasury annually in the month of July, to the treasurer of the school district board or of the board of education in the city or village maintaining such school or schools under the charge of one or more teachers, whose qualifications shall be approved by the state superintendent, the sum of one hundred fifty dollars for each deaf pupil instructed in such school or schools at least nine months during the year next preceding the first day of July, and a share of such sum proportionate to the term of instruction of any such pupil who shall be so instructed less than nine months during such year, and the additional sum of one hundred dollars for each deaf pupil not residing in the school district where the school for the deaf is located, but residing in this state, who has been so instructed, and who finds it necessary while attending the school for the deaf to pay for board in the district maintaining such school or schools or to pay for transportation to and from such school, or both, when the parents of such deaf child are unable to meet this expense, and

a share of such one hundred fifty dollars or two hundred fifty dollars as the case may be proportionate to the term of instruction of any such pupil who shall be so instructed less than nine months during such year.

(3) The school board of the district maintaining such a school may use such part of the state aid provided for in this act in the payment of board and transportation of said non-resident pupils, as it shall find necessary.

SECTION 579a. 1. The state superintendent of public instruction may appoint a competent person who shall act under his direction as inspector of public day schools for the deaf. When not engaged in the inspection of the schools for the deaf said inspector may be assigned to such other duties as the state superintendent may determine and designate.

2. The inspector shall receive an annual salary of fifteen [eighteen] hundred dollars and reimbursements for all actual and necessary traveling expenses incurred, when duly certified by the state superintendent; provided, that no more than five hundred dollars shall be allowed for expenses. The salary and expenses shall be paid in the same manner as the state officers are paid.

3. It shall be the duty of the treasurer of the school district board or of the board of education receiving the aid provided for in section 578 of the statutes of 1898, to render annually to the superintendent of public instruction an itemized statement of all expenditures of said school or schools. Any surplus at the end of the year shall be reserved as a special fund for the deaf school and can be used for no other purpose.

4. It shall be the duty of the inspector to report annually to the superintendent of public instruction as to the condition and progress of the day schools and make such recommendations as he may deem proper for the improvement of the same.

SECTION 579m. 1. Any parent or guardian having under his control a deaf child between the ages of six and sixteen years who is incapacitated for attending a common school shall cause such child to attend some public, private, parochial or state school established for the instruction and education of the deaf, for a period of at least eight months during any school year.

2. Any person who shall neglect or refuse to obey the provisions of this section shall, upon conviction, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail, not exceeding three months for each offense.

3. This section shall not apply to any child not in proper physical or mental condition to attend school or receive instruction who shall be able to show a certificate to that effect, signed by a reputable physician in general practice.

SECTION 579n. It shall be the duty of the district attorney upon proper complaint, made by a city superintendent or a county superintendent of schools, or the inspector of the day schools for the deaf, to prosecute any parent or guardian failing to comply with this act. The case shall be tried before the county judge and the cost of prosecution shall be added to the fine.

**Education of blind children.** - (Chapter 199, laws of 1909, amending chapter 551, laws of 1907, creating section 579 and referring to and including certain sections in chapter 128, laws of 1907.) SECTION 579o. Sections 578, 579a, 579m, and 579n of the statutes, and all acts amendatory thereof, shall, so far as applicable, provide for and apply to schools for the blind, except that there shall be paid out of the state treasury annually in the month of July to the treasurer of the school district board, or of the board of education in any city or village maintaining a school or schools for the blind under the charge of one or more teachers, whose qualifications shall be approved by the state superintendent, the sum of two hundred dollars for each blind pupil instructed in such school or schools at least nine months during the year next preceding the first day of July, and a share of such sum proportionate to the term of instruction of any such pupil who shall be so instructed less than nine months during such year; the said sum of two hundred dollars to include instruction in music and manual training, and to cover necessary expenses for material and printing in connection with the work of any such school or schools; and the state superintendent of public instruction may authorize and instruct the inspector of day schools for the deaf, acting under his direction, to inspect day schools for the blind without additional compensation.

Provides for the establishment of public schools for the blind. It appears that these schools may, like the day schools for the deaf, be located in communities where there are enough pupils to justify the organization of such a school. The sections above referred to will be found in the provisions of chapter 128, printed in this pamphlet. These schools are presumed to be maintained and inspected in the same way that the day schools for the deaf are maintained, inspected and directed.

## XX.—TRADE SCHOOLS.

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**How organized and maintained.** (Chapter 155, laws of 1909, amending section 926—22 and 926—26, *only*, of Chap. 122 of the laws of 1907.) SECTION 926—22. Any city in the state of Wisconsin or any school district having within its limits a city desiring to establish, conduct and maintain a school or schools for the purpose of giving practical instruction in the useful trades to \* \* \* young men having attained the age of sixteen years and young women having attained the age of fourteen years as a part of the public school system of such city, is empowered to do so by complying with the provisions of sections 926—23 to 926—30 inclusive, statutes of 1898.

926—23. Such trade school or schools shall be under the supervision and control of the school boards of the respective cities or school districts in which they may be located.

926—24. The school board of every such city or school district is given full power and authority to establish, take over and maintain a trade school or schools, equip the same with proper machinery and tools, employ a competent instructor or instructors, and give practical instruction in one or more of the common trades. Such a trade school shall not be maintained, however, unless there be an average enrollment of at least thirty scholars.

926—25. Whenever any school board shall have established or taken over an established trade school, such school board may prepare the courses of study, employ instructors, purchase all machinery, tools and supplies, purchase or lease suitable grounds or buildings for the use of such school and exercise the same authority over such school which it now has over the schools under its charge.

926—26. Whenever any school board shall have established or taken over an already established trade school or schools, it may appoint an advisory committee to be known as the commit-

tee on trade schools, consisting of five citizens not members of the school board, each of whom is experienced in one or more of the trades to be taught in the school or schools, to assist in the administration of the trade school or schools located in that city, which committee shall be appointed by the president of such school board with the approval of the majority of the board. Such committee shall have authority, subject to the approval and ratification of the school board, to prepare courses of study, employ or dismiss instructors, purchase machinery, tools and supplies, and purchase or rent suitable grounds or buildings for the use of such trade schools. When any such committee on trade schools is appointed, two of its original members shall be appointed for the term of one year, \* \* \* two for the term of two years, and one for the term of three years, and thereafter, as the terms of these members so appointed expire, their successors shall be appointed each for the term of three years. In case of any vacancy during the term of any member of said committee, said school board shall fill such vacancy by appointment for such unexpired term.

926—27. Students attending any such trade school may be required to pay for all material consumed by them in their work in such school at cost prices or in lieu thereof the school board may establish a fixed sum to be paid by each student in each course which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; any manufactured articles made in such school may be disposed of at the discretion of the school board, and the proceeds shall be paid into the trade school fund.

926—28. Whenever any such school board shall have decided to establish a trade school or schools, or to take over one already established, under the provisions of this act, a tax, not exceeding one-half of one mill on the total assessed valuation of such city shall be levied, upon the requisition of the school board, as other school taxes are levied in such city; the fund derived from such taxation shall be known as the trade school fund, shall be used in establishing and maintaining a trade school or trade schools in such city, shall not be diverted or used for any other purpose whatsoever, and may be disposed of and disbursed by the school board of such city in the same manner and pursuant to the same regulations governing the disposition and disbursement of regular school funds by such boards.

926—29. Any school board desiring to avail itself of the provisions of this act, may, before the trade school fund herein



provided for becomes available, establish, take over, equip and maintain a trade school or schools out of the regular school funds which may be at the disposal of such school board provided, however, that all moneys used for these purposes out of the regular school funds shall be refunded within three years from the trade school fund.

926—30. 1. When the school board of any city of the second, third or fourth class, or the school board of any school district having within its limits such a city, shall determine to establish, take over, conduct or maintain such trade school, it shall publish notice of its intention so to do with a copy of the resolution or order expressing such determination once each week for four successive weeks in a newspaper published in said school district and shall take no further steps in said matter until the expiration of thirty days from the date of the first publication.

2. If within such thirty days there shall be filed with the clerk of such city a petition signed by a number of electors of the school district equal to twenty percentum of the number of votes cast in said city at the last municipal election praying that the question of the establishment, taking over, conduct and maintenance of such trade school shall be submitted to the vote of the electors of such school district, the city clerk shall at the earliest opportunity lay such petition before the common council. The common council shall thereupon at its next regular meeting by resolution or ordinance direct the city clerk to call a special election for the purpose of submitting such question to the electors of such city and school district.

3. Such election shall be noticed and conducted and canvassed in accordance with the provisions of section 943, statutes of 1898. All electors within the territory constituting such school district, qualified to vote at any election pertaining to school district matters shall be entitled to vote.

4. If any of said school districts shall be beyond the limits of such city, the city clerk shall immediately upon the passage of the resolution or ordinance by the city council ordering such election, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerk or clerks of said towns shall thereupon cause a notice of such election to be given and such election to be held and canvassed as provided in section 943.

5. If a majority of the ballots cast in such school district shall be in favor of the establishment, taking over, conduct-

ing and maintenance of such trade schools, then such board shall proceed as heretofore provided to establish, take over, conduct and maintain such trade school. But if a majority shall vote against such proposition to establish, take over, conduct and maintain a trade school, the board shall take no further steps towards such end.

6. If no petition to submit such proposition to establish, take over or maintain a trade school to the vote of the electors shall be filed with the city clerk within thirty days after the first publication of the notice of the determination of the school board to take such action, then such school board may proceed as hereinbefore provided without submitting such proposition to the electors of the district.

By this act eight new sections that relate to the establishment and maintenance of trade schools in the state of Wisconsin, are made a part of the school law. It practically emphasizes the manual training idea, but the purpose of the school so established is to produce skilled and trained workmen rather than to give any special or extended course in connection with academic work.

## XXI.—STATE MINING SCHOOL.

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**Establishment of.** (Chapter 573, laws of 1907, creating eight new sections.) SECTION 392m. A school shall be established in the city of Platteville, to be called the Wisconsin mining trade school, for the purpose and under the regulations contained in this act.

SECTION 392n. The said school shall be under the control and management of a board of three members to be known as the Wisconsin mining school board, one of whom shall be the superintendent of public instruction, and two shall reside in the southwestern part of the state in what is known as the lead district, who shall be appointed by the governor of the state, one for a term of two and one for a term of four years, beginning with the first day of July, 1907, and thereafter for terms of four years, who shall serve without compensation. Vacancies on the board shall be filled for the unexpired term.

SECTION 392o. The board shall hold its first meeting in the city of Platteville on the 15th day of July, 1907. Meetings may be called subsequently by two of said members in such manner as they may direct, and all meetings may be adjourned at the pleasure of the board. A majority of the board shall constitute a quorum for business. The superintendent of public instruction shall be president of such board. At the first meeting of said board or as soon as may be, said board shall appoint some suitable person secretary to hold his office during the pleasure of the board and shall fix times for regular meetings of the board. The state treasurer shall be the treasurer of the board. No money shall be paid out, nor any contract made, or any act done, involving the payment of money or the disposal of property, except in pursuance of a vote of the board.

SECTION 392p. As soon as the means in its hands will permit without incurring indebtedness, said board shall proceed to obtain a suitable location, and lease, purchase or erect such

buildings, and procure such furniture, apparatus, library and implements as may be necessary for the successful operation of said school and appoint a principal and such other teachers and assistants as the board may deem expedient, with salaries to be paid from time to time as it may agree and to regulate their duties, but no agreement shall be valid whereby such board shall be prevented from discharging any one in its employ upon two months' previous notice.

SECTION 392q. The course of instruction shall be two years in length and shall embrace geology, mineralogy, chemistry, assaying, mining and mining surveying and such other branches of practical and theoretical knowledge as will, in the opinion of the board, conduce to the end of enabling students of said school to obtain a knowledge of the science, art and practice of mining and the application of machinery thereto. The dean of the college of engineering of the University of Wisconsin shall be consulted concerning the course of study, and the same and all modifications thereof shall be approved by him. No student who shall have been a resident of the state for one year next preceding his admission shall be required to pay his fees or other charges for tuition or other purposes in said school, except for the cost price of materials actually consumed by such student in pursuit of any studies. The board may prescribe rates for tuition for any student who shall not have been a resident as aforesaid, which shall not be less than fifty nor more than two hundred dollars per year.

SECTION 392r. The course of study, the terms and the hours of instruction shall be regulated by the board, who shall also have the power to make all such rules and regulations concerning the admission, control and discipline of students and other matters, as may be deemed necessary for the good government of the institution, and convenience and transaction of its business, and also to grant diplomas upon the completion of the prescribed course.

SECTION 392s. No debt shall be contracted beyond or apart from the actual means at the disposal of the institution. The board may dispose of or lease any property donated to the state for the purposes of said school. The board shall not enter upon the business of mining, or pursue the same, except so far as it may be deemed necessary in the course of instruction, nor shall they purchase any lands beyond what are required for the reasonable accommodation of the school. The board shall not sell, mortgage or otherwise dispose of any real estate purchased by them or donated by the state without the express authority of the legislature.

SECTION 392t. It shall be the duty of the board to provide for obtaining a complete collection of the minerals of the lead region of Wisconsin and classify the same.. The board shall on or before the first day of December in each year preceding the regular session of the legislature, make a report of its proceedings to the governor, and shall transmit therewith a general report showing their receipts and expenditures during the period for which the report is made, as well as the general affairs of said school.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty thousand dollars to be used by said board for the purposes of this act.

**Mining Trade School—Appropriation for.** Chapter 362, laws of 1909, adding 392v—392z, inclusive, to Chapter 573, laws of 1907.) SECTION 392v. There is appropriated out of any moneys in the general fund, not otherwise appropriated the sum of sixteen thousand dollars to be used by the Wisconsin Mining Trade School board in maintaining the Wisconsin Mining Trade School for the period ending June 30th, 1911.

SECTION 392w. The county board of any county is hereby authorized to appropriate money for the equipment and maintenance of the Wisconsin Mining Trade School. The county boards of two or more counties may appropriate money for the equipment and maintenance of said school. When two or more counties unite in equipping and maintaining said school, the Wisconsin Mining Trade School board shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county as last fixed by the state board of assessment, and shall report to the county clerk of each county the apportionment so made. on or before the first Monday of November in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of such school. Any such appropriation may be made by any such county at any regular annual meeting of the county board after the passage and publication of this act, which appropriation shall be available on and after the 30th day of June, 1911, and annually thereafter as provided in this section and section 392x.

SECTION 392x. On or before the 30th day of June in 1912. and annually thereafter, the Wisconsin Mining Trade School board shall file with the secretary of state a certificate showing the cost of maintaining said school, the courses of instruc-

tion taught, the character of the work done, the names of the teachers employed, and such other matters as will show that all the provisions of chapter 573, laws of 1907, have been complied with.. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, for a sum equal to two-thirds of the amount actually expended for maintaining such school during the year, provided that the amount so appropriated shall not exceed six thousand dollars for any one year; when more than one county has contributed to the support of such school, the secretary of state shall draw his warrant, payable to the treasurer of each county for such proportion of the state aid as the amount contributed by his county is to the total amount contributed by all the counties for the support of the school for the preceeding year.

SECTION 392y. Any city wherein a mining trade school is located may appropriate annually for equipping and maintaining said school or may appropriate annually for the purpose of reimbursing any county or counties which have appropriated money for the equipment and maintenance of such school a sum not exceeding three thousand dollars in any one year. In case no county board shall appropriate any money as provided in section 392w, then any city within which is located a mining trade school may appropriate annually not to exceed three thousand dollars for the equipment and maintenance of said school. In such case the Wisconsin Mining Trade School board shall on or before the 30th day of September, 1911, and on the 30th day of each month thereafter, file with the secretary of state a certificate showing the cost of maintaining said school, the courses of instruction taught, the character of the work done, the names of the teachers employed, the equipment purchased, and such other matters as will show that all the provisions of chapter 573, laws of 1907, have been complied with. Upon receipt of such certificate, the secretary of state shall draw his warrant, payable to the treasurer of such city maintaining such school, for a sum equal to two-thirds of the amount actually expended for maintaining and equipping such school during the month, provided that the amount so appropriated by the state shall not exceed six thousand dollars in the aggregate for any one year.

SECTION 392z. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act,

## XXII.—STATE NORMAL SCHOOLS.

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(Chapter 26 of Wisconsin Statutes of 1898.)

**Regents; their terms and vacancies.** SECTION 393 (as amended by Chapter 168, Laws of 1905). For the government of the normal schools established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "The Board of Regents of Normal Schools," composed of the state superintendent, as ex-officio regent, and of ten appointed regents, at least one of whom shall be a woman; the term of office of the appointed regents commencing with the first Monday of February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into five classes of two each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years and until their successors shall be appointed and qualified, and their successors in office shall continue so divided into five classes of two each, so that the term of office of two regents shall expire each year. The governor shall fill all vacancies by appointment, and in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only.

**Powers of regents.** SECTION 394. The board of regents and their successors in office are constituted a body corporate by the name aforesaid; and may purchase, have, hold, control, possess and enjoy, in trust for the state, for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purposes, objects and uses of the state normal schools authorized by law and none other, with full power to sell or dispose of such personal property or any part thereof when in

their judgment it shall be for the interest of the state; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of in any way any real estate, nor borrow money without the express authority of the legislature; nor shall they contract indebtedness nor incur liabilities to exceed, at any time, in the aggregate, the amount of money which, under the provisions of law, shall then be at their disposal in the hands of the state treasurer; nor shall said board ever reduce the amount so at their disposal below the aggregate amount of their indebtedness or liability except in payment of such indebtedness or liability. The proceeds of the sale of any real or personal estate shall be paid by them into the treasury, and shall become a part of the income of the normal school fund. The entire income of the normal school fund shall be placed at the disposal of the board of regents of the normal schools by transfer to the treasurer of said board, and shall be distinct and independent from the accounts of the state, and be applied for the support of normal schools as provided by law.

**Officers of board.** SECTION 395 (as amended by Chapter 168, Laws of 1905). The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be, ex-officio, the treasurer of the board, but the board may appoint suitable persons to receive any tuition fees or other moneys that may be due from any student or other person, and pay the same to the treasurer.

**Meetings; quorum.** SECTION 396. The said board shall hold an annual meeting at the capitol on the second Wednesday in July in each year or at such time as they may designate. Special meetings may be called by the governor or by the president of the board on a petition signed for that purpose by any three regents. A majority of the regents shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time.

**Removal of regents; disqualification of officers, etc.** SECTION 397. Any regent may be removed from office for cause upon reasonable notice by a vote of two-thirds of all the re-



gents. No regent or officer, trustee or person appointed or employed in any position or capacity connected with normal schools or normal institutes shall at any time act as agent of any author or publisher of or dealer in school books, maps or charts, or school library books, or school furniture or apparatus, or become interested directly or indirectly in the publication, manufacture or sale of any such as agent or otherwise, except solely as author or inventor, and for a violation thereof any regent shall be expelled from the board by a majority vote of the regents; provided, that the purchase and use of books and appliances written or invented by persons connected with any of the schools shall not be deemed to be prohibited.

**Compensation of regents.** SECTION 398. (as amended by Chapter 168, Laws of 1905). No member of the board of normal regents shall receive any pay for traveling to or for attendance at any meeting of the board, but for any specific service, rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member, as the board shall deem just and reasonable; and such compensation and all moneys actually and necessarily expended by any member in traveling, attending meetings, or performing any other duty or service, directed to be performed, shall be paid out of the normal school fund income in the state treasury, on accounts presented to and adjusted by the board, and certified to the secretary of state by the secretary and president thereof.

**Other normal schools; alteration, etc., of buildings.** SECTION 399. In addition to those heretofore established, the said board of regents may establish other state normal schools at such places as they may designate, upon sites selected by them; and when, in their opinion, the educational interests of the state require it, they may proceed to erect suitable buildings upon the sites so selected, and they may enlarge, alter or repair any normal school buildings. Whenever any such site shall be donated, then as soon as the title thereto shall be vested in them in fee in trust as aforesaid, and when money is donated, then as soon as such money is paid into the state treasury subject to be paid out only on the warrant of the secretary of state, as provided in the next section, or secured to be paid by the deposit with the state treasurer of United States or Wisconsin state bonds in amount equal in value to the sums of money so donated, said board may procure suitable plans and specifications for such buildings, alterations or repairs thereof,

and employ persons to superintend the construction of the same; and they may advertise for proposals to erect, repair or enlarge any normal school building, reserving the right to reject any and all proposals made in pursuance of such advertisements; and the expense of such advertising and procuring plans and specifications shall be paid from the normal school fund income.

**Donations, collection and application of.** SECTION 400. The said board shall demand and receive the sums of money donated and subscribed by any persons to aid in the erection of the necessary buildings for normal schools in such manner as said board may prescribe, and apply the same in the erection and completion of said buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses to be incurred by said board in pursuance of the provisions of these statutes, and if any surplus shall remain, apply the same to the expenses of conducting said normal schools; and any deficit which may arise in the erection and completion of said buildings and purchase aforesaid shall be paid out of the normal school fund income.

**Accounts, how made, etc.** SECTION 401 (as amended by Chapter 168, Laws of 1905). All payments for the erection, repairs or enlargement of any normal school building, or for fixtures or furniture therefor, and all disbursements from the normal school fund income, including the expenses of board of visitors of normal schools and of teachers' institutes shall be made by the treasurer of said board on the warrant of the secretary of state drawn in accordance with the certificate of the president and secretary of the board, after being audited and allowed pursuant to its rules and regulations, and not otherwise; and in case of a donation no such warrant shall be issued for any part thereof until the sums donated and subscribed shall have been paid into the state treasury, nor in any case until the work shall be done, the services rendered, buildings erected or fixtures or furniture purchased under the direction of said board, and pursuant to a contract made with it. All claims and accounts, before being certified to the secretary of state by the aforesaid officers of such board, shall be verified and approved in the same manner as claims against the state university are required to be verified and approved.

**Examination of accounts.** SECTION 401a. (Chapter 495, laws of 1909.) 1. The board of regents of the state normal

schools shall cause all of the financial transactions and accounts of or relating to the several state normal schools under their supervision at the close of each biennial period to be fully and thoroughly examined by an audit company of recognized business standing and reliability, and approved of by the governor and in no way connected with any such schools or with any of their activities.

2. Such examination shall be commenced immediately after the close of said period and be completed as soon as practicable.

3. Upon the completion of such examination a full and detailed report thereof shall be made by such audit company to the governor, and a printed copy of such report shall be furnished to each member of the next legislature not later than thirty days prior to the beginning of the next regular session.

4. A sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the state treasury not otherwise appropriated.

**Objects of schools.** SECTION 402. The exclusive purposes and objects of each normal school shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in the public schools; also to give instruction in the fundamental laws of the United States and of this state in what regards the rights and duties of citizens.

**Model schools.** SECTION 403. Said board shall also establish a model school or schools for practice in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition.

**Powers of board of regents as to schools.** SECTION 404. (As amended by Chap. 204, laws of 1909.) The said board shall have the government and control of all the normal schools, and shall have power therefor:

1. To make rules, regulations and by-laws for the good government and management of the same and each department thereof.

2. To appoint a principal and assistants and such other teachers and officers and to employ such persons as may be required for each of said schools; to fix the salary of each person so appointed or employed and to prescribe their several duties.

3. To remove at pleasure any principal, assistant or other officer or person from any office or employment in connection with any such school.

4. To purchase any needful and proper apparatus, books or articles to assist in instruction, and to provide for all necessary fuel and supplies for the conduct of such schools.

5. To prescribe the courses of study and the various books to be used in such schools. But when any state normal school shall offer a course for the express purpose of training teachers for country schools, the completion of which shall entitle one to the certificate mentioned in section 405, as amended by this act, the course of study shall be the full and fair equivalent of the course of study prescribed for the county training schools by the state superintendent.

6. To cause notice to be given of the opening of such schools and the several terms thereof.

7. To prescribe rules and regulations for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he is not of good moral character or if applying as a free pupil will not make an apt or good teacher.

8. To require any applicant for admission, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or to secure to be paid such fees for tuition as the board may deem proper and reasonable.

9. To cause lectures on any art, science or branch of literature to be delivered in any such schools on such terms and conditions as they may prescribe.

10. To confer by by-laws upon the principals of the several normal schools the power to suspend or expel pupils for misconduct or other cause prescribed in such by-laws.

**Diplomas and certificates.** SECTION 405. (As amended by Chap. 204, laws of 1909.) Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state one year, the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper. \* \* \* issue to such teacher an unlimited state certificate, and thereafter such \* \* \* unlimited cer-

tificate shall be evidence of his qualification to teach in any common school. \* \* \* The said board may also, on such conditions as they may determine, grant a certificate of attendance certifying that the holder has completed the elementary course in a normal school and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, \* \* \* issue a limited state certificate, and thereafter such \* \* \* certificate shall be evidence of his qualification to teach in any common school of the state. \* \* \*

The said board of regents may also on such conditions as they may determine, grant a certificate, certifying that the holder has completed the course for teachers of country schools in a normal school and is qualified to teach in a country school. Such certificate shall have the same force and effect in all respects as the certificate of a county training school, as defined in section 2, chapter 509, laws of 1905, and any acts amendatory of the same.

**Board of visitors.** SECTION 406. After any state normal school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the state superintendent, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the said superintendent their views in regard to its success and usefulness and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the thirtieth day of May and cover the year preceding such date.

**State tax.** SECTION 406a. (Chapter 319 amending the Statutes of 1898 as amended by chapter 170 of the laws of 1899, as amended by Chap. 370, Laws of 1901.) For the purpose of conducting and maintaining the normal schools, there shall be levied and collected annually, a state tax of \* \* \* three hundred and \* \* \* forty thousand \* \* \* dollars, which amount is \* \* \* annually appropriated to the normal school fund income.

#### TEACHERS INSTITUTES.

**How held and conducted.** SECTION 407. Institutes for the instruction of teachers shall be held in each year in such counties as may be designated by the state superintendent, with the

advice and concurrence of said board, preference being given to such counties as receive the least direct benefit from the normal schools. The state superintendent, by and with the advice and consent of said board, may make such rules and regulations as they shall deem proper for organizing and conducting such institutes, and may, by and with the like advice and consent, employ an agent or agents to perform such work in connection therewith as by such rules and regulations may be prescribed. Each of said institutes shall be held under the direction of such agent or agents, assisted by the county superintendent. The course of study pursued in such institutes shall, as far as practicable, be uniform, and be prescribed by the state superintendent with the assistance of such agents, but subject to revision by said board.

**Appropriation for.** SECTION 408. (Statutes of 1898, as amended by Chap. 170, Laws of 1899, as amended by Chap. 371, Laws of 1901.) For the purpose mentioned in the preceding section, said board may use such sum not exceeding fourteen thousand dollars in a year, as it may deem necessary, of which not exceeding seven thousand dollars shall be paid from the normal school fund income and seven thousand dollars from the general fund, and such amounts as shall be so expended are hereby annually appropriated from the said funds respectively. The secretary of state shall annually, upon presentation to him of the certificates of the president and secretary of the board of regents, of the amount expended for the purpose mentioned in this section, draw his warrant in favor of the treasurer of said board for seven thousand dollars.

**Normal school fund income.** SECTION 409. The normal school fund income shall, under the direction and management of the said board, be applied and is hereby appropriated to the establishment and support of the state normal schools and the purposes directed in this chapter.

**Regent's report.** SECTION 410. The president of said board shall make to the governor a biennial report, bearing date the thirty-first day of August of the year in which the biennial fiscal term closes, which shall contain a full and detailed account of the doings of the said board and of all their expenditures and of all moneys received and the prospect, progress and condition of said normal schools and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the governor.

## XXIII.—OF THE UNIVERSITY.

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(Chapter 25, Wisconsin Statutes.)

**Location and style of.** SECTION 377. There is established in this state at the city of Madison an institution of learning by the name and style of "the university of Wisconsin."

**Board of regents.** SECTION 378. (Chapter 523, laws of 1909, amending section 378, as amended by chapter 255, laws of 1901.) The government of the university shall be vested in a board of regents, to consist of one member from each congressional district and two from the state at large, at least \* \* \* two of whom shall be \* \* \* women, to be appointed by the governor; the second woman regent shall be appointed on or before February 1st, 1911; but this act shall in no way affect the term of office of the present members of the board of regents; the state superintendent and the president of the university shall be ex-officio members of said board; said president shall be a member of all standing committees of the board, but shall have the right to vote only in case of a tie. The terms of office of the appointed regents shall be three years from the first Monday in February in the year in which they are appointed, and until the appointment and qualification of their respective successors, unless sooner removed by the governor; but appointments to fill vacancies before the expiration of the time shall be for the residue of the term only.

**Powers of board; officers.** SECTION 379. The board of regents and their successors in office shall constitute a body corporate by the name of "the regents of the university of Wisconsin," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have the custody of the books, records, build-

ings and other property of said university. The board shall elect a president and a secretary, who shall perform such duties as may be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board and of the executive-committee thereof. The state treasurer shall be the treasurer of the board and perform all the duties of such office subject to such regulations as the board may adopt not inconsistent with his official duties; and he and his sureties shall be liable on his official bond as state treasurer for the faithful discharge of such duties.

**Meetings, quorum.** SECTION 380. The time for the election of the president and secretary of said board and the duration of their respective terms of office, and the times for holding the regular annual meeting and such other meetings as may be required and the manner of notifying the same, shall be determined by the by-laws of the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

**Duties of regents; additional powers.** SECTION 381. The board of regents shall enact laws for the government of the university in all its branches; elect a president and the requisite number of professors, instructors, officers and employees, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no instruction, either sectarian in religion or partisan in politics, shall ever be allowed in any department of the university; and no sectarian or partisan tests shall ever be allowed or exercised in the appointment of regents or in the election of professors, teachers or other officers of the university, or in the admission of students thereto or for any purpose whatever. The board of regents shall have power to remove the president or any professor, instructor or officer of the university when, in their judgment, the interests of the university require it. The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the university and of its several departments, and for the care and preservation thereof, with penalties and forfeitures by way of damages for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action. They shall employ a competent preceptress for the building known as ladies' hall (which shall be used for and by the female students attending the university



and not otherwise), who shall have charge and general supervision thereof under such regulations as the board may have made or shall adopt, at a salary of not more than fifteen hundred dollars per year, provided that said preceptress shall perform such other duties and teach such classes as the board may from time to time require.

**Use of income—addition of other colleges.** SECTION 382. The board of regents are authorized to expend such portion of the income of the university fund as they may deem expedient for the erection of suitable buildings and the purchase of apparatus, a library, cabinets, and additions thereto; and if they deem it expedient may receive in connection with the university any college in this state upon application of its board of trustees; and such college so received shall become a branch of the university and be subject to the visitation of the regents.

**Report, and printing thereof.** SECTION 383. At the close of each biennial fiscal term the regents through their president shall make a report in detail to the governor and the legislature exhibiting the progress, condition and wants of each of the colleges embraced in the university, the course of study in each, the number of instructors and students, the amount of receipts and disbursements, together with the nature, cost and results of all important investigations and experiments and such other information as they may deem important, one copy of which shall be transmitted free by the secretary of state to all colleges endowed under the provisions of the act of congress entitled "An act donating land to the several states and territories which provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and also one copy to the secretary of the interior as provided in said act. The board shall also report to the governor as often as may seem desirable the important results of investigations conducted by the director of Washburn observatory and by other investigators connected with the university, and also the results of such experiments therein relating to agriculture or the mechanic arts as said board may deem to be of special value to the agricultural and mechanical interests of the state. With the approval of the governor such number of copies as he shall direct, and of the Washburn observatory reports not more than seven hundred copies may be printed by the state printer in separate form on good paper and with such appropriate quality of binding as the commissioners of public printing shall order. Eight hundred copies of each of said reports, when so directed by the gov-

ernor, except those of the Washburn observatory, shall be delivered to the legislature and the remainder be used in exchange for the publications of other institutions, and for such other public purposes as the regents may order.

**Accounts, how made, etc.** SECTION 383a. No claim or account against the board of regents of the university shall be paid unless it state the nature and particulars of the services rendered or materials furnished and be verified by the affidavit of the claimant or his agent and approved by an endorsement in writing thereon by the officer, member or committee of said board authorized thereby to certify claims and accounts for payment.

**The president.** SECTION 384. The president of the university shall be president of the several faculties and the executive head of the instructional force in all its departments; as such he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigations of the several colleges, and so long as the interests of the institution require it he shall be charged with the duties of one of the professorships. The immediate government of the several colleges shall be intrusted to their respective faculties; but the regents shall have the power to regulate the courses of instruction and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in universities or as they shall deem appropriate, and to confer upon the faculty, by by-laws the power to suspend or expel students for misconduct or other cause prescribed in such by-laws.

**Object and departments.** SECTION 385. (As amended by chapter 36, laws of 1909.) The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with literary, scientific, industrial, and professional pursuits, and to this end it shall consist of the following colleges or departments, to-wit:

1. The college of letters and science.
2. The college of mechanics and engineering.
3. The college of agriculture.
4. The \* \* \* law school.
5. The \* \* \* medical school.

6. Such other colleges, schools, or departments as are now or may from time to time be added thereto or connected therewith.

**Examination of accounts.** (Chapter 497, laws of 1909.)

SECTION 383m. 1. The board of regents of the state university shall cause all of the financial transactions and accounts of or relating to the state university in any of its departments at the close of each biennial period to be fully and thoroughly examined by an audit company of recognized business standing and reliability and approved of by the governor and in no way connected with the university or with any of its activities.

2. Such examination shall be commenced immediately after the close of said period and be completed as soon as practicable.

3. Upon the completion of such examination a full and detailed report thereof shall be made by such audit company to the governor, and a printed copy of such report shall be furnished to each member of the next legislature not later than thirty days prior to the beginning of the next regular session.

4. A sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the state treasury not otherwise appropriated.

**Departments, what embraced in.** SECTION 386. The college of letters and science shall embrace liberal courses of instruction in language, literature, philosophy and science, and may embrace such other branches as the regents of the university shall prescribe. The college of mechanics and engineering shall embrace practical and theoretical instruction in the various branches of mechanical and engineering science and art, and may embrace such additional branches as the regents may determine. The college of agriculture shall embrace instruction and experimentation in the science of agriculture and in those sciences which are tributary thereto, and may embrace such additional branches as the board of regents shall determine. The college of law shall consist of courses of instruction in the principles and practices of law, and may include such other branches as the regents may determine.

**Open to both sexes—military instruction—diplomas may be countersigned.** SECTION 387. (As amended by chapter 66, laws of 1909.) \* \* \* All schools and colleges of the university shall, in their respective departments and class exercises, be open without distinction to students of both sexes and all able-bodied male students in whatever college therein may receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state. Any person who has graduated from a regular collegiate course at the university, and after such graduation shall

furnish evidence to the state-superintendent of good moral character and of successful teaching for one school year in a public school of this state, may have his diploma countersigned by said superintendent, which shall then have the force and effect of \* \* \* an unlimited state certificate, subject to the exercise of the power vested in the state superintendent to revoke the right given by his signature to such diploma.

Diplomas are no longer countersigned. See Chap. 579, laws of 1907, page 82 of this code.

**Tuition fees at the state university.** (Chapter 105, laws of 1907, amending section 388, statutes of 1898.) **SECTION 388.** No student who shall have been a resident of the state for one year next preceding his admission at the beginning of any academic year, shall be required to pay any fees for tuition in the university, except for extra studies; the regents may prescribe rates of tuition for any pupil who shall not have been a resident as aforesaid and for teaching extra studies. Attendance at the university shall not of itself be sufficient to effect a residence.

This chapter does away with the payment of fees by those who take the courses prescribed for the college of law in the state university.

**Funds for support of—gifts, bequests, etc.** **SECTION 389.** For the support and endowment of the university there is annually and permanently appropriated:

1. The university fund income and all other sums of money appropriated by law to such fund.
2. The agricultural college fund income.
3. All such contributions as may be derived from public or private bounty.

The entire income of all said funds shall be placed at the disposal of the board of regents by transfer to the treasurer of said board, thenceforth to be independent and distinct of the accounts of the state and for the support of the aforesaid colleges or departments of arts, of letters and such other colleges and departments as shall be established in or connected with the university; but all means derived from other public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designed by the grantor; and all gifts, grants, bequests and devises for the benefit or advantage of the university or any of its departments, colleges, schools, halls, observatories or institutions or to provide any means of

instruction illustration or knowledge in connection therewith, whether made to trustees or otherwise, shall be legal and valid and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than twenty times as great as that originally given. All such gifts, grants, devises or bequests may be made to the regents of the university or to the president or any officer thereof, or to any person or persons as trustees, or may be charged upon any executor, trustee, heir, devisee or legatee, or made in any other manner indicating an intention to create a trust, and may be made as well for the benefit of the university or any of its chairs, faculty, departments, colleges, schools, halls, observatories or institutions or to provide any means of instruction, illustration or knowledge in connection therewith, or for the benefit of any class of students at the university or in any of its departments, whether by way of scholarship, fellowship or otherwise, or whether for the benefit of students in any course, sub-course, special course, post-graduate course, summer school or teachers' course, oratorical or debating course, laboratory, shop, lectureship, drill, gymnasium or any other like division or department of study, experiment, research, observation, travel or mental or physical improvement in any manner connected with the university, or to provide for the voluntary retirement of any of its faculty. And it shall not be necessary in case of any such gift, grant, devise or bequest to exactly or particularly describe the members of the class, group or nationality of students intended to be the beneficiaries, but it shall be sufficient to describe the class or group; and in case of any such gift, grant, devise or bequest the regents shall divide and graduate the students at the university into such classes or divisions as may be necessary to select and determine those belonging to the class intended by such gift, grant, devise or bequest, and shall determine what particular persons are within or intended by the same. It shall be sufficient in any such gift, grant, devise or bequest to describe the beneficiaries as belonging to a certain course, sub-course, department or division of the university, or as those pursuing certain studies, speaking or writing a certain language or languages, belonging to any nationality or nationalities, or to one of the sexes or by any other description, and in such case

the regents shall determine the persons so described as hereinbefore provided.

**Tax for, and appropriation of part—loans.** SECTION 390 (as amended by chapter 320, laws of 1905, amending chapter 170, laws of 1899; section 1, of chapter 322, laws of 1901, and section 1, of chapter 344, laws of 1903). There shall be levied and collected annually a state tax of two-sevenths of one mill for each dollar of the assessed valuation of the taxable general property of the state as ascertained and fixed by the state board of assessment for apportionment of the state tax to the several counties which amount, when so levied and collected, is appropriated to the university fund income to be used for current and administration expenditures and for the increase and improvement of the facilities of the university; provided, that upon any apportionment of funds in the treasury under section 1069a of the statutes of 1898, such fund shall be applied to the tax hereinbefore levied. The commissioners of public lands may direct the state treasurer, from time to time, to set apart such sums by way of loan to the fund known as the university fund income for the university uses from uninvested moneys in the trust funds for the period when so uninvested, as in their judgment shall be prudent, such loans to be repaid to the trust fund from the tax hereinbefore appropriated with interest at the rate then required upon loans to school districts.

SECTION 2. There is hereby annually appropriated for the period of three years, the sum of two hundred thousand dollars, to the university fund income from the general fund of the state out of any moneys not otherwise appropriated to be used for the construction and equipment, in the order of the greatest need therefor, of such additional buildings and works and the enlargement and repairs of buildings and works, as in the judgment of the regents shall be absolutely required, and as shall be approved by the governor and can be completed within the appropriation herein made; and also for fire protection; for furniture and equipment of existing buildings; and for apparatus and additions to the library; provided, that no plan or plans for any building shall be finally adopted, and no contract or contracts shall be entered into by the regents for the construction of any building until such plans and contracts, with complete estimates of the total cost thereof, shall have been submitted to and in writing approved by the governor of the state, who shall withhold such approval until he shall satisfy himself by a personal examination or by such other means as he may in

his discretion adopt, that such building is required for the purposes proposed, and it can and will be erected and fully completed according to such plans or contracts for the sum proposed for the same by the regents out of the appropriation herein made.

**The observatory.** SECTION 391. The sum of three thousand dollars shall be set apart annually from the receipts of the tax first mentioned in the preceding section for the maintenance of the astronomical observatory on the university grounds, to be expended by the regents in astronomical work and instruction. And a like sum is annually appropriated out of the general fund to the board of regents for the purpose of enabling said board to employ and maintain a director of the Washburn observatory.

**Regents' expenses.** SECTION 392. The regents shall each receive the actual amount of his expenses in traveling to and from and in attendance upon all meetings of the board or incurred in the performance of any duty in pursuance of any direction of the board; accounts for such expenses, duly authenticated shall be audited by the board and be paid on their order by the treasurer out of the university fund income. No regent shall receive any pay, mileage or per diem except as above prescribed.

**Summer school.** SECTION 392a. The board of regents may maintain the summer school of science, literature, language and pedagogy heretofore established in connection with the university; provided, that all teachers employed therein shall be designated by the state superintendent and the president of the university.

SECTION 392em. (Chapter 507, laws of 1909.) 1. The regents are hereby authorized to establish and equip two branch agricultural experiment stations in such portions of the state as may be deemed advisable for the purpose of carrying on experimental and demonstration work in agriculture, whenever not less than eighty acres of suitable land for each station shall be donated to the state for such purpose, such branch or sub-stations to be under the direction of the state agricultural experiment station of the college of agriculture.

2. For the purposes of carrying out this act, there is appropriated the sum of two thousand dollars annually for the term of three years.

## XXIV.—PUBLIC SCHOOLS IN CITIES.

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**Common and high school boards—cities of the first class.** (Chapter 459, laws of 1907, creating twenty-two new sections.) SECTION 1. The public schools in every city of the first class, whether organized under general or special charter, shall be under the general management, control and supervision of a board of school directors, consisting of fifteen members from the city-at-large, selected as provided in this act. No person holding any office in any political organization, or any lucrative city, county or state office other than a judicial office or that of a notary public, shall be eligible to be a member of such board of school directors. The members of every such board of school directors shall, before entering upon the duties of such office, take and subscribe the oath of office prescribed in the constitution of this state, and shall file the same, duly certified by the officer administering the same, with the city clerk.

SECTION 2. The board of school directors of cities of the first class in Wisconsin shall consist of fifteen members, who shall be qualified voters of such city, who shall be elected as hereinafter provided at a school election to be held biennially on the first Tuesday in April, the first regular election under this act to be held on the first Tuesday in April, 1909. The school election shall be held at the same time and place and under the charge of the same election officials as the election of judges or other officers held on the same date; but unless the voting is by voting machines, separate ballot boxes shall be provided to receive the ballots for members of the board or school directors, which ballots shall be prepared and supplied to the election officials in the same way as other ballots are provided and supplied for other elections. At such school elections the candidates receiving the greatest number of votes for the several positions shall be declared elected.

SECTION 3. Within five days after this act shall become effective in any city, the mayor, the city treasurer, the city



comptroller, the city attorney and the president of the common council of such city, acting as a commission for such city, of which commission the secretary of the board of school directors or board of school commissioners, or of such board of education as such city may have, shall act as secretary, shall meet and appoint fifteen members of the board of school directors.

Five of the directors so appointed shall be appointed to serve from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the first regular school election to be held in any city to which this act will apply; five of the directors so appointed shall be appointed to serve from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the second regular school election to be held in any city to which this act will apply; and five from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the third regular school election to be held in any city to which this act will apply; and at the school elections to be held on the first Tuesday in April preceding the expiration of the terms of those members so appointed, their successors shall be elected by the qualified voters of such city to serve for the term of six years or until their successors are elected and qualified.

Within ninety days after such appointees shall have entered upon the duties of their office the common council of such city may by resolution concurred in by a majority of the members-elect thereof, provide for a special school election to be held in such city to elect successors to such appointees; five of the directors so elected to be nominated and elected to succeed the five directors appointed for the term expiring on the first Tuesday of July next following the first regular school election to be held in such city; five of the directors so nominated and elected to succeed the five directors appointed for the term expiring on the first Tuesday of July next following the second regular school election in such city; and five of the directors so nominated and elected to succeed the five directors appointed for the term expiring on the first Tuesday of July next following the third regular school election in such city; the respective terms of office of such directors so elected at such special election shall terminate at the respective times when the terms of office of their predecessors would have terminated if no special school election had been called and held; in the event of such special school election in any city to which this act will apply, the terms of office of the directors-elect shall begin on the first Tuesday of the month next following such election. In the

event such special school election be called by the common council of any city as hereinbefore provided, it shall be held at the polling places, in the manner and under the charge of the election officials, ballot clerks, inspectors, etc., as the regular school elections to be held under this act; and nominations for such special election shall be made and had in like manner as provided for the regular school elections under this act; provided, however, that no such resolution for the calling of a special election under this act shall be introduced except at a regular meeting of the council, and no action shall be taken thereon before the next regular meeting thereof, nor until such proposed resolution shall be published at least once in an official city paper, if there be one; and if there be none, in some newspaper to be designated by the council together with a notice of the time said resolution will be considered.

All vacancies in the said board of school directors caused by death, resignation, removal, or resulting from any cause, shall be filled by the board, a majority of the remaining members being necessary to a choice. Members so elected by the board shall serve until the first Tuesday in July following the next school election, at which election the vacancies shall be filled for the unexpired term in the same manner as members are elected for the full term. Provided, that the members of boards of school directors or of such board of education as such city may have in office when this act becomes effective in such city, shall hold their offices until the time for newly appointed members to assume their duties as provided heretofore in this section, or until their successors so appointed are qualified, and during such period shall continue to exercise all the rights and privileges and discharge the duties devolving upon members of the board of school directors under the provisions of this act.

SECTION 4. The nomination of candidates to be voted for as members of the board of school directors shall be by petition, and any person on whose behalf a petition shall be presented to the proper officials not less than ten days before the date of such school election, signed by not less than five hundred qualified voters of the city, shall be entitled to have his name placed upon the ballot to be voted for as a member of such board of school directors. Nominations for members of such board shall not be under any party designation, but shall be "for member of the board of school directors for the full term" or "for member of the board of school directors for two years, to fill vacancy," etc.

SECTION 5. The board of school directors shall meet on the first Tuesday of the month following the first appointment

of its members, and in the event of a special election, on the first Tuesday of the month following such special election, and thereafter on the first Tuesday of July in each year, and organize by the election of the proper officers. A president shall be elected by said board from their own number to serve for one year, or until his successor shall be chosen, and in his absence or during his disability the board shall elect a president pro tempore. After his election the president shall appoint standing committees, to serve for one year.

The seat of any member shall be declared vacant by the board and the vacancy shall be filled by them by election in the manner hereinbefore provided, if the said member has been absent for four successive meetings of the board without satisfactory reason presented by him in writing.

In case of the absence or inability, from any cause, of any officer appointed by said board to perform the duties of his office, said board may appoint some suitable person to act in his place and stead during his absence or inability; and such person shall have and possess the same power or authority as the officer whose place he is appointed temporarily to fill.

SECTION 6. The members of the board shall be subject to all restrictions, liabilities, punishments and limitations prescribed by law as to members of the common council in their city, and they shall be exempt from jury duty. A majority of all the members-elect of the board of school directors shall have power to dismiss from office for malfeasance in office in such city any member of the board of school directors, and the said board provide by resolution the manner of hearing and disposing of complaints against a member.

The board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to its order as provided in this act.

A majority of the members of the board who have duly qualified shall constitute a quorum for the transaction of business but a smaller number may adjourn. A majority of the whole board shall be necessary to elect any officer authorized to be elected by said board.

Regular meetings of the board shall be held at least once each month, at stated times to be fixed and published by the board in its rules, and special meetings may be called and held as shall be provided by the rules of the board, at which no other business shall be transacted than that specified in the notification thereof, which shall be given personally or mailed to each member at least twenty-four hours before the time of such meeting.

SECTION 7. The board of directors of each city in which this act shall be applicable is hereby authorized and required to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state, to instruction therein.

The said board, as herein provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city and purchase, install and maintain heating systems in said schools, and enter into contract for the carrying out of any of the purposes authorized in this act; provided, however, that when the board of directors shall contemplate the doing of any work or the purchasing of any material, the estimated cost of which shall exceed the sum of five hundred dollars, said board of directors shall advertise for proposals for doing the same, a plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate sufficient description of the work required to be done, and all the kinds or quality of material to be furnished, being first placed on file in the office of said board for the information of bidders and others. Such advertisement shall be published at least six days in the official papers of such city and shall state the work to be done and the time for doing the same, which shall in all cases be such reasonable time as may be necessary to enable the contractor with proper diligence to perform and complete such work.

All proposals shall be sealed, and directed to said board and shall be accompanied with a bond to such city in the penal sum not less than thirty per cent. of the amount of the board's estimate of the cost of such work, as such board in such advertisement may direct, and such board in letting any such contract and in doing such work shall proceed in manner and form and have the power and authority in manner and form as is vested in the board of public works, or other public officer or officers, of any such city for the doing of any public work and the entering into contracts therefor. Such board shall also have authority to reserve the right to reject any and all bids submitted. Such contracts shall run in the name of the said city, and shall be executed and signed by the president and secretary of the board of school directors, countersigned by the comptroller of said city, and shall be approved by the city attorney of the said city, as to form and execution. The selection of sites for school buildings, and adoption of plans for the erection of school buildings, shall

be determined by a committee consisting of the president of the board of school directors, the chairman of the committee on buildings of said board of school directors and the superintendent of schools who shall be known as the statutory committee on school sites and plans. Their decision shall be subject to the approval of the said board of school directors. The schoolhouses now erected and the lots on which they are situated and the lots now or hereafter purchased for school purposes and the schoolhouses thereon erected shall be the property of the city; no lot shall be purchased or leased, nor shall any schoolhouse be erected without resolution duly passed by the board of school directors. Deeds of conveyance and leases shall be made to the city.

The said board shall also have the power to establish and define from time to time the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools.

The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the schoolhouses of their city and to fix their compensation, but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

SECTION 8. The board of school directors shall have the power to adopt for use in the several public schools of any such city, suitable text books subject to the provisions of the next following section.

Said text books shall be uniform in the various schools and when the board shall have adopted for use in the public schools of any such city, any text book or text books, the same shall not be changed by the board for five years next thereafter; and the board shall require that the system of instruction in the several schools under its control shall be as nearly uniform as possible, and shall adopt at its discretion, and modify or repeal, by-laws, rules and regulations for its own government, and for the organization, discipline and management of the public schools under its control, and generally adopt such measures as shall promote the good order and public usefulness of said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

SECTION 9. The board of school directors shall elect by ballot at the regular meeting preceding the expiration of the term of office of the superintendent of schools who is in the

office when this act shall become effective, a person of suitable learning and experience in the art of instruction, and practical familiarity with the most approved methods of organizing and conducting a system of schools, for superintendent of schools, and said superintendent of schools shall hold his office until the first day of July next following his election as herein provided, and for three years thereafter, except in case of removal as herein provided, and each third year thereafter the said board shall elect at the first regular meeting in May, a superintendent of schools, as provided herein, who shall serve for the term of three years from the first day of July next following his election.

The superintendent of schools shall, under the direction of the board, have a general supervision of the public schools and of the teachers in the cities aforesaid and of the manner of conducting and grading of said schools. He shall appoint, subject to confirmation by the board, assistant superintendents and such other assistants and supervisors as may be authorized by the board. Such superintendent shall be an advisory member of every committee of the board, except at time where an inquiry into his acts or investigation of his official conduct shall be under consideration by such committee. A committee consisting of the president of the board and four members of the board selected by the president, shall on a strict basis of eligibility and fitness, examine, certificate, employ, classify, transfer and promote teachers. The action of such committee shall be subject to amendment, rejection or confirmation by the board.

The president of the board and four members of the board, to be selected by the president, shall constitute a committee to select and determine courses of study, for the schools, and text books to be used therein. The action of such committee shall be subject to amendment, rejection or confirmation by the board.

SECTION 10. The board shall also appoint as a vacancy shall occur, some suitable person to act as secretary of the board, who shall receive a salary to be fixed by such board. It shall be his duty to attend the meeting of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform such other duties as shall be required of him by said board. The secretary of the board shall, before entering upon the duties of his office, execute a bond to the city for which he is appointed, in such form and penalty and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city

clerk of said city, and the board may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe additional bonds and sureties in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city, required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city as may be directed and required by the board, and he shall receive for such service a compensation or fee of two cents per capita upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the board and paid out of the funds provided for the support of the schools.

SECTION 11. It shall be the duty of the secretary of the board, within thirty days after the appointment of teachers and other salaried employes, to report to and file with the city comptroller or other auditing officer of the city, a duly certified list of teachers and employes so appointed and a statement of the time or times fixed for the payment thereof. He shall also, as often as any action by said board changing the salaries of any of the officers of said board, or of any such teachers or employes, or making a new election or appointment to any position entitling the person appointed to receive a stated salary immediately after such action is had, in like manner file with such comptroller or other auditing officer a certified list and statement of all such changes and appointments. All claims and demands against the city or board, before they are allowed by the board, shall be audited and adjusted by the comptroller or other auditing officer of such city, immediately after the allowance by the board of any claim or account it shall be the duty of the secretary of the board to furnish to such comptroller or other officer a complete list of the same, together with the proper voucher, stating the character of the material or service for which the same is rendered; and before a warrant shall be issued therefor it shall be the duty of such comptroller or other officer to sign the same. And said secretary shall also make and file with the comptroller or other auditing officer quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the board during the three months next preceding such statement.

SECTION 12. The superintendent of schools, or the secretary of the board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the board; provided that notice in writing of charges against him and of the time and place of hearing and acting upon the same shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon. And the accused shall be heard by himself or counsel, and either party may procure witnesses, who shall be sworn by the president of the board and give testimony subject to the pains and penalties of perjury.

SECTION 13. The board of school directors is hereby authorized and it shall be their duty, to maintain the high schools now established in said cities, and to establish and maintain such other high schools as may from time to time be found necessary by them, and said board shall divide said city into high school districts and said schools shall be opened to students residing within said districts.

SECTION 14. The high schools shall be public schools and as such under the same supervision and control in respect to location, buildings, leases, furniture, teachers, text books and course of study, and all other matters as is provided hereinbefore in the case of common schools.

SECTION 15. The course of study in the high school shall be liberal, and shall embrace such studies as said board and the superintendent may deem proper, and the board shall have power to grant diplomas in testimony of scholarship and literary acquirements.

SECTION 16. (Chapter 459, laws of 1907, as amended by chapter 369, laws of 1909.) 1. The said board shall report to the common council of each city under this act, at or before the first meeting of the council in September in each year, the amount of money required for the next fiscal year for the support of all the public schools in said city including high schools, and it shall be the duty of said common council to levy and collect a tax upon all the property subject to taxation in said city, at the same time and in the same manner as other taxes are levied and collected by law, which, together with the other funds provided by law, and placed at the disposal of said city for the same purpose, shall be equal to the amount of money so required by the said board of school directors for school purposes, as provided in this act; the said board shall also report to the common council, at the same time



as above, the amount of money required for the next fiscal year for the repair and keeping in order of school buildings, fixtures, \* \* \* and the repair of broken or worn out furniture, the making of material betterments to school property and the purchase of the necessary additions to school sites, in accordance with the provisions of this act, and it shall be the duty of the said common council to levy and collect a tax upon all the real and personal property in said city subject to taxation, at the same time and in the same manner as other taxes are levied and collected by law, which shall be equal to the amount of money so required by the said board of school directors for the said purpose, as provided in this act; provided, that the tax so levied upon each dollar of the assessed valuation of all property, real and personal, in said city subject to taxation shall not in any one year, prior to July 1st, 1911, exceed \* \* \* four mills, nor in any one year thereafter four and one-half mills for the support of all schools, and one-half mill for the repair and keeping in order of school buildings, fixtures, grounds and fences, the purchase of school furniture and the repair of broken and worn out furniture, the making of material betterments to school property and the purchase of necessary additions to school sites, and the said taxes for the purpose named in this section shall be in addition to the tax to be levied for the general city purposes upon all the taxable property of said city. The said tax and the entire school fund of the city shall not be used or appropriated directly, or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, and legally qualified teachers whose appointment is confirmed by said board and such employes as the board may deem necessary, the necessary and current expenses of the schools including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power and \* \* \* such other school purchases and purposes \* \* \* as may be required for the proper maintenance and administration of the schools.

2. All moneys received by or raised in such city for school purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and secretary of said board, countersigned by the city comptroller; provided, that the president, instead of signing each order, may certify upon the pay rolls furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by said board. Provided, that the board of school directors may

provide by resolution for the payment of all persons employed by said board in the service of the city upon monthly pay rolls and the manner in which the same shall be certified, audited and approved and payment made thereon and such pay rolls shall in all cases be certified by the president and secretary and finance committee of said board of school directors and countersigned by the city comptroller of such city.

SECTION 17 (as amended by Chap. 281, Laws of 1909).

Whenever the board of school directors shall deem it necessary to erect new buildings or additions to old buildings, or to purchase school sites, they \* \* \* shall by a two-thirds vote of the members, send a communication to the common council of said city, at or before the first meeting of the council in November in each year, stating the amount of funds so needed and the purposes for which it is proposed to use the said funds, and requesting the said common council to submit to the voters of said city at the next election of any sort to be held in said city the question of issuing the school bonds of said city in the amount and for the purpose or purposes named; and upon receipt of such request from the board of school directors it shall be and is hereby made the duty of the said common council to cause the question of the issuance of the said bonds for the said school purposes to be submitted to the voters of the said city at the next regular, special or other election held in the said city. The question of the issuance of the said school bonds shall be submitted upon a separate ballot, or in some other manner so that the vote upon the issuance of said school bonds shall be taken separately from any other question submitted to the voters at the same election, and if a majority of the votes cast upon such bond proposition shall be in favor of the issuance of said bonds, then the common council of said city shall cause such school bonds to be issued forthwith in the same manner as other bonds which have been properly authorized are issued, and the proper officials of the said city shall sell or dispose of the said bonds in the same manner as other bonds are disposed of and the entire proceeds of the same shall be placed in the city treasury, subject to the order of the said board of school directors, for the purposes named in the request for the issuance of the said bonds. Said school bonds shall not bear a greater rate of interest than four per cent per annum, and shall be payable in twenty years from the date of their issue, one-twentieth of the principal to be payable each year, and the said common council is hereby authorized and it is made their duty to levy and collect a tax upon all property,

real and personal, in the said city subject to taxation, in the same manner and at the same time as other taxes are levied and collected, which shall be sufficient to pay the interest on all school bonds outstanding, issued under the provisions of this act, and to pay such part of the principal of such school bonds so issued as becomes due and payable during the next fiscal year. The amount of such school bonds outstanding at any one time shall not be greater than one per cent of the total assessed valuation of all property, real and personal, in the said city subject to taxation, and the tax levied to pay the interest on and the principal of the said school bonds shall be in addition to the tax levied for general purposes upon all the taxable property of said city.

SECTION 18. The board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually the general proceedings and acts of said board, the number and condition of the public schools kept in said cities during the year, and the time they have severally been taught, the number and names of teachers; the number of children taught in said schools respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school money raised or received during the year; distinguishing the amount received from the state fund, from the amounts derived from taxes levied by the county board of supervisors and by the common council respectively; and the amounts allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society in Madison.

SECTION 19. No member of the board of school directors, superintendent, assistant superintendent, secretary of the board, other assistant, teacher of any common school or high school, or janitor or other employe of the board, shall be in any wise interested in any purchase or sale of any real or personal property by the city for the use or convenience of any of the schools, and no such contract made in violation of this provision shall be valid, and any consideration paid by the city upon any such purchase or sale herein prohibited, may be recovered in an action at law in the name of the city aggrieved thereby, and any person so offending against the

provisions of this act shall be removed from any position held by him under this act.

SECTION 20. This act is not intended to affect the term of office of any person now serving in any capacity by virtue of an appointment heretofore made by the school board in any such city, but such officer shall continue to serve in the same capacity under the board of school directors hereby created for the term of which he was so appointed; subject, nevertheless, to be removed from such office for the causes and in the manner mentioned in this act. Any vacancy for any cause occurring in any office subject to the provisions of this act, shall be filled by appointment for the unexpired term.

SECTION 21. This act is amendatory of the charters of the various cities to which it applies or may hereafter become applicable, and any provision of said charters inconsistent herewith is hereby modified, amended or repealed by this act to the extent necessary to give full force and effect to the intent hereof.

It must be understood that the provisions of this act apply only to cities of the first class, that is, to the city of Milwaukee.

## XXV.—TEACHERS' RETIREMENT FUND.

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**Cities of the first class.** (Chapter 453, Laws of 1907, creating section 925xx.) SECTION 925—XX. 1. Two female teachers, two male teachers and four members of the board of school directors, in cities of the first class shall constitute in their respective cities, a board of trustees for the purpose herein set forth. The teachers who shall elect to come under the provisions of this act shall hold their first annual meeting on the first Saturday of October, 1907, and shall elect by ballot, one female teacher who shall hold office for a term of one year, one female teacher who shall hold office for a term of two years, one male teacher who shall hold office for a term of one year, and one male teacher who shall hold office for a term of two years; and a majority of all the votes cast shall be necessary in each case for an election. Such meeting shall be called by the secretary of the school board by giving due notice to all such teachers of the hour and place where the meeting shall be held. Annually, thereafter, at a meeting duly called by the board of trustees on the first Saturday of October, one female teacher and one male teacher shall be elected in the same manner for a term of two years. The boards of school directors of cities of the first class shall, at their regular meeting in October, 1907, elect two of their number to be members of the board of trustees for a term of one year, and two of their number to be members of the board of trustees for a term of two years; and annually thereafter, at their regular October meetings, the boards of school directors shall elect one of their number to be a member of the board of trustees for a term of two years. The board of trustees shall organize within ten days after the regular October meeting of the board of school directors by the election from their members of a president and a secretary, and may adopt rules of order not incon-

sistent with this act. In case of vacancy, the board of trustees shall within ten days after its occurrence, fill the same for the unexpired term.

2. A teachers' retirement fund is hereby created in cities of the first class, and the fund shall consist of: A permanent and a general fund.

The permanent fund shall be made up of gifts and legacies specifically given to said permanent fund, and the sums set apart by the board of trustees.

The general fund shall be made up of:

(a) Gifts and legacies not specifically given to said permanent fund.

(b) All amounts retained from salaries of teachers under the provision of this act and the interest derived from said permanent fund.

(c) The board of school directors in cities of the first class may pay out of the school fund into the teachers' retirement fund a sum not to exceed one per cent. of the gross receipts raised by taxation for school purposes.

(d) All moneys obtained by such other methods of increment as may be duly and legally devised for the increase of said fund.

The general fund may be drawn upon for the purpose of this act by said board of trustees.

3. Said board shall have control of the retirement fund, investing the same only in such securities as savings banks are authorized by law to invest in. The board shall receive and consider all applications for annuities under this act, and when in their opinion the best interests of the school are served by the retirement of the applicants shall determine and direct payment of the annuities. The board shall keep full and complete records of the receipts and disbursements of this fund, and a complete list of all annuitants, and shall make a report of the same at each annual meeting of the teachers in October. All necessary expenses incurred by the board in carrying out the provisions of this act shall be paid out of the retirement fund, in accordance with the votes of the board. The members of the board shall serve without compensation. Whenever any member of the board shall cease to hold a position as member of the board of school directors, or as teacher, in the public schools, his or her membership in the board shall thereupon cease.

4. The city treasurer shall be the custodian of the retirement fund, and shall make payments therefrom as ordered by the board of trustees.

5. Beginning with the monthly payments in November, 1907, the board of school directors shall reserve from the salary of each teacher who has come under the provisions of this act the sum of four dollars (\$4.00), and from every monthly payment thereafter for a period of twenty-five years, shall reserve the sum of two dollars (\$2.00), and shall pay the sums so reserved into the school teachers' retirement fund, as herein provided.

6. The city treasurer upon the order of the board of trustees, shall pay out of said retirement fund, in monthly payments, such an annuity to any teacher who shall retire from the service of the city, as the fund will allow, and said board of trustees shall determine; but in no case shall a teacher receive such annuity unless such teacher has taught for twenty-five years, and for at least fifteen years in the public schools of the city or cities to which this act applies, except as hereinafter provided.

7. All annuities granted by the board of trustees under the provisions of section six shall be uniform in amount except as provided in section eight of this act.

8. No annuity shall be paid to any teacher until such teacher shall have contributed to the general fund a sum equal to all the assessments for twenty-five years, to-wit: five hundred dollars. Should any teacher retire under section six and be unable to pay the full amount of assessment as above specified, the board of trustees shall pay to such retiring teacher an annuity directly proportionate to the amount of money paid by such retiring teacher into the public school teachers' retirement fund.

9. Any teacher who shall have been a contributing member, who shall retire from the service, not being in receipt of an annuity, shall, if an application is made within three months after date of his retirement, receive one-half of the total amount paid by him into the retirement fund.

10. All annuities granted under the provisions of this act shall be exempt from attachments and garnishment process, and no annuitant shall have the right to transfer or assign his or her annuity, either by way of mortgage or otherwise.

11. All elections or appointments of teachers by the board of school directors shall be subject to the provisions of this act, and all such elections and appointments shall be on probation; but on a successful probation of four years the election or appointment shall become permanent during efficiency and good behavior. No teacher who is a contributor of said

fund, and whose position has become permanent by virtue of successful probation, shall be removed or discharged by the board of education except for cause upon written charges. The teacher shall receive a copy of such written charges at least three days before the hearing thereof.

12. This act shall be binding on all teachers employed in cities of the first class at the time of its enactment, who shall thereafter elect to come under its provisions. Notice in writing to the superintendent of schools shall constitute such election. All teachers not employed in cities of the first class at the time of the enactment of this law, who may be elected or appointed subsequent thereto, shall be bound by the provisions of this act, when their respective appointments shall have become permanent as herein provided.

13. The term "teacher" in this act shall include all superintendents, principals, and regular instructors employed in the public schools of cities of the first class, provided, however, that the election or appointment of the superintendent, the assistant superintendents, and special supervisors shall not be affected by paragraph eleven of this act.

The provisions of this act apply to the city of Milwaukee only.



## XXVI.—GENERAL CHARTER LAW DIVIDING CITIES INTO CLASSES.

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**Board of education; election; appointment; terms; changes of school systems and boundaries of districts, villages and cities.** SECTION 925—113. (Chapter 177, Laws of 1909.) 1. If in any city other than of the first class which has adopted the general charter law; or which shall hereafter become incorporated under the provisions of section 925g. of the statutes, or which has adopted or which shall hereafter adopt sub-chapter XIV of chapter 40a, of the statutes, there shall be at the time of such adoption or incorporation a board of education or a school board elected by the people, or the ordinary school district system is in force, the plan of school organization and management shall continue until changed by a majority vote of the electors of such school district or districts; neither shall the adoption of the general charter or the act of incorporation under the provisions of section 925g, operate to change or in any way affect the boundaries of any school district.

2 If the district system is in force, the vote shall be taken at a special election, duly called, noticed and held as provided by law; and if any city shall contain more than one school district, then the special election shall be held in each school district any part of which lies within the city limits, upon the same and at the same hour, and the existing system shall not be changed unless a majority of the electors voting in each district at such special election shall vote in favor of such change.

3. If a majority of the electors voting in each such district at such special election shall vote in favor of such change, then such change of school system shall go into effect and be such as is provided for in said sub-chapter XIV and the school district boundaries shall, without further action, be changed so as to create one school district which shall include all the terri-

tory embraced within the limits of such city and each and all of those parts or portions of each such former district or districts lying outside of the limits of such city shall be attached to and connected with such city for school purposes; such change of the school system and school district boundaries shall go into effect on the first day of March following such special election and not earlier, and the school district boards and district officers existing at the time of holding such election shall continue in office and shall have exclusive control of their respective schools and school properties until such change of school system and school district boundaries shall go into effect as hereinbefore provided and to the end of the then current school year, and on the first Monday of July following the date when such change of school system goes into effect each of said school boards shall settle their accounts with the board of education and shall deliver all property, papers and records of each of their respective districts to said board of education.

4. Immediately after the holding of such special election in each such district, each school district board shall certify and return the results of such election to the clerk of each city and town within which any part of either such district is located and if such change of school system is voted upon favorably in each such district, the clerk of each such municipality shall make a record in his office showing the change of such system and boundaries and the date when the same will go into effect.

5. If the existing system of school organization is directed and controlled by a board of education or a school board either appointed or elected under the provisions of a special charter, such system can be changed by vote of the electors taken at a special election called and held pursuant to the provisions of such special charter governing special elections.

6. If the existing system of school organization is directed and controlled by a board of education appointed by the mayor under the provisions of the general charter law, such system can be changed by a vote of the electors taken at a special election duly called and held pursuant to law.

7. In all cases where the existing system or plan of school organization shall be changed under the provisions of this act, such change shall not go into effect until the close of the then current school year.

8. In all cities governed by this sub-chapter, the school shall be under the control of a board of education, which board except as provided in section 925—113n shall consist of one com-

missioner from each ward and three from the city at large, to be appointed by the mayor and confirmed by the common council, or elected by the common council, if so determined by ordinance. The mayor in appointing or council in electing the first board shall divide the members into three classes as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification and until his successor shall have qualified; thereafter all commissioners shall be appointed or elected and hold their offices for three years and until their successors shall have qualified.

SECTION 3. There is added to the statutes three new sections to read: Section 925—113m. At the special election mentioned in section 925—113 there shall be submitted to a vote of the electors of the several school districts the question, "Shall the board of education be elected in accordance with section 925—113n?" If a majority of all the votes cast upon that question at such election shall be in the affirmative, then the board of education shall be elected in accordance with the provisions of said section 925—113n at the spring election held in such city next after the time when such change of school system and school district boundaries shall go into effect.

SECTION 925—113n. 1. Where the electors have decided in the affirmative under the preceding section, the board of education shall consist of seven commissioners elected at large from the territory of such city. The members of such board shall be divided as nearly equal as may be into three classes. One class of three members shall be elected for one year, one class of two members for two years, and those of the remaining class for three years. Such commissioners shall be elected at the annual spring election held in such city. The names of the candidates for the office of school commissioner shall be printed upon a separate ballot under the title "school commissioners."

2. At the annual spring election next after the time when the change of school system and school district boundaries shall go into effect, there shall be elected seven commissioners to constitute the board of education for such school district. All qualified electors within such city shall be entitled to vote for such commissioners at such election.

3. At the first election held for the office of school commissioner the two persons receiving the highest number of votes shall be elected for three years, the two receiving the next high-

est number of votes shall be elected for two years, and the three receiving the next highest number of votes shall be elected for one year. Each elector voting at such first election shall be entitled to vote for seven candidates. Thereafter such electors shall elect at each spring election commissioners for the term of three years. Each elector shall be entitled to vote for as many candidates as there are commissioners to be elected and the ones receiving the highest number of votes shall be elected.

4. The votes cast at such election shall be canvassed and return thereof certified to the common council. The common council shall canvass the returns of such election and shall declare the result thereof as for city officers.

5. The persons elected in accordance herewith shall constitute the board of education of such school district. The term of office of each such commissioner shall commence on the first day of May following such election and each commissioner shall hold office until his successor is elected and qualified. Vacancies in such board of education shall be filled by appointment by the mayor of such city subject to the approval of the council. Notices of election under this statute shall be given as in other elections in said city.

SECTION 925—119m. 1. In all cities governed by this subchapter, having a school system under the provisions hereof and having attached to or connected with it for school purposes territory outside of the city limits, all the taxable property within the territory so attached to or connected with such city shall be subject to be taxed for the support and maintenance of the schools of such city, the same as property within such city.

2. It shall be the duty of the city clerk of such city in each year to ascertain the rate per cent which all taxes raised in said year in said city for school purposes bear to the assessed value of all the property tax for school purposes within such city for that year, and on or before the 25th day of November in such year in writing to notify the town clerk or clerks of the town or towns in which such attached or connected territory is situated of such per cent or rate of taxation in such city for school purposes, and it shall thereupon be the duty of said town clerk or clerks and each thereof immediately to carry out on the tax rolls of such town or towns respectively for such year a tax for school purposes of the same per cent on all taxable property within that portion of their respective towns so attached to such city for school purposes and such tax so carried out on such tax rolls is hereby declared duly levied and a lien

on such taxable property until paid the same as other taxes as provided by law.

3. It shall be the duty of the treasurer of such town or each such town to collect said tax in the same manner as other taxes, and the said treasurer or treasurers respectively shall pay over in each year in full the amount of taxes so carried out on said rolls and assessed on said property in their towns respectively for the purposes of schools in such city to the treasurer of such city, in the same order and as they are now required by law to pay moneys raised for common school purposes, and return taxes collected for any school district whether such town treasurer has collected such tax or not.

4. If the taxes hereby provided for shall not be collected by said treasurer they shall be returned with and as delinquent taxes and their collection enforced in the manner now provided by law for collecting delinquent taxes.

SECTION 925—113a. Chap. 237, Laws of 1909. 1. Upon the presentation of a resolution to the city clerk of any city of the fourth class now operating its schools under the provisions of the general charter or a special charter, signed by thirty per cent of the legal voters of such city school district, requesting a return to the ordinary district system of school government, and an annulment of that provision of the charter under which the schools are now administered, it shall become the duty of the city council to submit this question to the electors of the city school district at a special election, duly called, noticed and held pursuant to law.

2. And if a majority of the electors of the city school district shall, at the special election duly held pursuant to the provisions of such special charter governing special elections or of the general charter, vote in favor of said change of school government, then thereafter the schools of such city school district shall be administered, maintained, and operated under the ordinary district form of school government until changed by competent authority.

3. In all cases where the existing system or plan of school organization shall be changed under the provisions of this act, such change shall not go into effect until the close of the current school year.

**Annual meeting.** SECTION 925—114. The first meeting of the board each year shall be held on the first Monday in May

or as soon thereafter as may be. At such meeting the board shall elect one of its members president and another vice-president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and perform such other duties as the board shall by rule, by-law or resolution from time to time require of him. It shall be the duty of the vice-president to discharge the duties of the president in his absence.

**Secretary and superintendent.** SECTION 925—115. In cities of the first class the board of education shall, annually at its first meeting or as soon thereafter as may be, elect a secretary who shall not be a member of the board. In other cities the city clerk shall be ex-officio secretary of the board. In cities not under the supervision of a county superintendent, the board shall, in like manner at such meeting or as soon thereafter as may be, elect a superintendent of schools for the city who shall not be a member of the board. These officers shall hold their respective offices for one year and until their successors shall have been elected, unless sooner removed by a resolution adopted by a vote of two-thirds of the members of the board.

**Authority of board.** SECTION 925—116. The board of education shall have authority:

1. To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient.

2. To establish and change from time to time such and so many school districts as shall include all the territory of the city, and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require; provided, that in cities adopting this chapter or being newly organized under it the school districts already established shall remain until otherwise ordered by the board.

3. To purchase and preserve such school apparatus as may from time to time be required.

4. To grade the schools and prescribe the course of study to be pursued therein, and the textbooks to be used; provided, that such text-books shall not be changed oftener than once in five years.

5. To employ teachers of all grades and fix their salaries.

6. To prescribe rules of order for the regulation of their own

meetings and deliberations, and alter and repeal the same from time to time as they shall see proper.

7. To appoint all necessary standing and special committees.

8. To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

9. To fix the salaries and prescribe the duties of the superintendent of schools in cities not under the supervision of a county superintendent; to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and fix the salaries of such assistants; to fix the salary of the secretary of the board and his assistants; prescribe his duties, whether he be the city clerk or one specially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

10. To contract for and purchase all necessary fuel for the schools and school offices, provide for lighting the same, appoint janitors for the school buildings and school offices and fix their salaries.

11. To estimate the expenses of the public schools as hereinafter provided.

12. To exercise all the powers necessarily incident to the powers herein conferred.

**Monthly and special meetings.** SECTION 925—117. It shall be the duty of said board to hold monthly meetings at such times as it shall from time to time prescribe; special meetings may be held under such rules and regulations as the board may fix.

**School buildings; office for board.** SECTION 925—118. It shall be the duty of the board of public works except as provided in section 925—87, under the direction of the council to erect and keep in repair all school buildings, and to provide suitable offices for the board of education, and its secretary, if there be one other than the city clerk, and the city superintendent of schools, if any. In the absence of permanent school buildings, or proper offices for the transaction of school business, the board of public works may rent suitable rooms, temporarily, for schools or offices, or either.

**Estimates of expenses.** SECTION 925—119 (Statutes of 1898, as amended by Chap. 186, Laws of 1899). The board of

education shall prior to the first day of March each year make an estimate of the expenses of the public schools for the ensuing year, including all necessary incidental expenses and the amount thereof which it will be necessary to raise by city taxation and certify the same to the city clerk, who shall lay the same before the common council at the first regular meeting thereof in March. It shall be the duty of the common council to consider such estimate and by resolution duly adopted prior to the first day of April, determine the amount to be raised by city taxation for school purposes for the ensuing year, which amount so fixed shall be included in the annual budget to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county or the city, coming into his hands, in a separate fund to be called the school fund and to pay out the same upon the orders of the board of education, signed by its president and certified by its secretary; provided, that teachers' and janitors' salaries may be included in a single order each month in the form of a pay roll, to be signed and certified as aforesaid; provided, further, that in any city adopting this chapter, if at the time of such adoption the board of education or school board shall have power to levy the city school tax or the district school taxes, such power shall continue unaffected by this chapter, and this section shall not apply to such city nor be in force therein until specially adopted by a vote of three-fourths of the members of the council.

SECTION 2. (Section 925—142.) On or before the first day of October in each year the board of public works, if there be one, shall file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in such department, and the city comptroller or the officer performing his duties shall likewise file a statement of the amount required by the police and fire departments, the general and library fund, and for the purpose of paying interest for the ensuing year on the public debt and five per cent, of the principal thereof. The city clerk shall place such estimates before the council at its next regular meeting, and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized not exceeding the amount provided by section 925—142a. And in making such levy they shall take into consideration the



estimated amount that will be received by the city during the fiscal year from licenses or from any other source.

This is an amendment of section 925, paragraph 119, and 925, paragraph 142, of the Wisconsin statutes for 1898, requiring the board of education to make an estimate of the expenses for the public schools in cities for the ensuing year and to certify the amount which it will be necessary to raise by city taxation to the city clerk before the first day of March instead of October.

**Women on school boards.** SECTION 926—16. Any woman over twenty-one years of age having an actual residence of at least one year next preceding the time of her election or appointment in the ward or district from which she may be elected or appointed, owning at that time real estate, in her own right, situate in such ward or district, may be elected to or appointed upon school boards or boards of education in cities of the second or third classes and hold and exercise all the powers and duties of such office. Removal from such ward or district will create a vacancy in the office so filled. Any city of the second or third class existing under special charter may, by ordinance, adopt the foregoing provision in the manner following: Such ordinance shall be introduced at some regular meeting of the common council and no action shall be taken thereon before the next regular meeting thereof; and before final action shall be taken thereon it shall be published at least once in each week for three successive weeks in the official paper or some other newspaper to be designated by the council, together with a notice of the time at which such proposed ordinance will be considered. The adoption of such ordinance shall be by at least three-fourths of all the members elect of the common council. When adopted as herein provided such ordinance shall be deemed a repeal of all parts of the special charter inconsistent therewith and an amendment thereof.

## XXVII.—APPEALS.

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**Appeals to state superintendent.** SECTION 497. Any person conceiving himself aggrieved by any decision made by any school district meeting or by any town board in forming or altering or in refusing to form or alter any school district, or by any other thing done by any officer or board under the provisions of this chapter, may appeal to the state superintendent. Such appeals shall be taken and heard in the manner prescribed by him and he shall make and file his decision within thirty days after the hearing thereof is closed. The decision appealed from shall be operative until the same shall be reversed; and no decision on appeal to said superintendent made by him after the lapse of thirty days from the time the hearing thereof is closed shall be effectual.

SECTION 497a. (Chap. 184, Laws of 1901.) No review of the decisions of the state superintendent on matters decided by him shall be had unless proceedings of certiorari or other appropriate action be brought within thirty days after such determination by him, or in cases heretofore decided by him, within thirty days after this act takes effect.

The purpose of the comments in the preceding pages has been to make plain the application of the statutes to the management of the affairs of school districts. It should be borne in mind that the state superintendent can render no decision on controverted matters, without giving to all persons interested an opportunity to be heard. An opinion based on *ex parte* statements is valid only in so far as these statements represent fully and fairly the facts in the case.

The law commits the formation and alteration of school districts and the management of public schools to the local boards and communities in which they are situated. A multitude of facts, pertinent to a wise direction and control of school-district affairs, are known by, or are easily accessible to the local authorities, which are obtainable, if at all, only with very great difficulty by a distant tribunal. Where the local boards and communities are guided by a single purpose to subserve the public good, it will seldom be found necessary to take the appeal for which the section provides. It often happens,

however, that the best interests of schools are sacrificed to local feeling or to personal interests. Persons aggrieved by such action may appeal to the state superintendent, but in doing so the following rules must be observed:

#### RULES RESPECTING APPEALS.

1. An appeal must be in writing, addressed to the state superintendent, and signed by the appellant, but no particular form of statement is necessary.

2. The appeal should be as brief as is consistent with a complete statement of the case. It should set forth the action or proceedings appealed from, and the reasons why such action should be set aside. If the appeal is founded upon the refusal of the supervisors to act, the reasons why the action asked for should have been taken by such supervisors, must be clearly shown. If the appeal relates to the formation or alteration of a district, a map or plat of the district or districts affected by the order from which the appeal is taken, showing the boundaries, location of the schoolhouses and the situation of the marshes, rivers and bridges of the territory in question should be presented with and made a part of the appeal. A statement showing the assessed valuation of the district or districts, or of the several parts of a district divided, and the number of children over four and under twenty years of age residing in each, should accompany the map, and form a part of the papers in the case. When the papers are completed, they should be fastened together, numbered or lettered for reference, and an affidavit attached, setting forth that the statements therein made are true, and that the map, list of children, and valuation of property are correct. The affidavit may be in form as follows:

A. B., being duly sworn, deposes and says that the statements made in the above appeal, all and several, are true, according to the best of his knowledge and belief, and further that the accompanying map, list of children, and valuation of property are correct.\*

(Signed) \_\_\_\_\_,

Appellant.

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_, 19\_\_.

C. D.,

Justice of the Peace (or Notary Public).

3. A complete and correct copy of the appeal and affidavit, and all accompanying papers should be made, to which another affidavit should be attached, stating that they are correct copies of the papers in the case.

The form of the affidavit may be as follows:

A. B., being duly sworn, deposes and says that the above is a full and correct copy of an appeal, and all accompanying papers, designed to be sent to the state superintendent.

(Signed) \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 19\_\_.

C. D.,

Justice of the Peace (or Notary Public).

This affidavit should be made upon the copy only—not upon the original appeal that is to be sent to the state superintendent. The copy should then be served upon the party from whose action the ap-

\*In other matters than formation or alteration of districts, the latter part of the affidavit after the word "belief," may be omitted, or any needed change may be made.

man of the board is a suitable party upon whom to serve the copy; if from the proceedings of a district meeting, upon the clerk or chairman of the meeting. It should not be served, however, upon an individual who did not sustain the action appealed from as in that case no answer is likely to be made.

The person serving the copy of appeal should carry with him the original appeal, so that the party from whose action the appeal is taken may, if willing, admit service of a true copy, by the following form indorsed upon the original appeal:

I, E. F., do hereby admit service of the above (or within) appeal. peal is taken, either by handing it to him, or leaving it at his residence. If the appeal from the action of the supervisors, the chair-  
(Signed) \_\_\_\_\_.

In case no such admission of service be made, the appellant will append to his appeal an affidavit of the following form:

A. B. being duly sworn, deposes and says that upon the — day of —, 190—, he did serve a true and verified copy of this appeal, and all accompanying papers, upon E. F., by handing the same to said E. F. (or by leaving it at his residence as the case may be).  
(Signed) \_\_\_\_\_.

Sworn to and subscribed before me this — day of — 19—.

C. D.,  
Justice of the Peace (or Notary Public).

When several persons unite in making an appeal, the affidavits may be so changed as to admit the names of all the appellants, and each should sign the appeal and subscribe to each and every affidavit. When the action appealed from is the action of several persons, it is sufficient to serve a copy of the appeal upon any one of the number, but it should always be served upon one not agreeing with the appellants, that an answer may be made.

When all the above directions are complied with, the original papers are ready to be forwarded to the state superintendent.

4. An appeal should be taken within thirty days from the performance of the act appealed from, or within thirty days after the action complained of has come to the knowledge of the appellant.

#### THE ANSWER.

1. The appellee has fifteen days in which to prepare his answer, and all the directions above given in reference to the preparation and service of a copy of the appeal papers, should be complied with in preparing and serving the answer upon the appellant, before it is forwarded to the state superintendent. The forms of affidavit given above will answer in all cases for forms to be used by the appellee, by changing the words so that the affidavit shall refer to an "answer to an appeal," instead of to an appeal, and by signing it as appellee instead of appellant.

2. The answer to an appeal may be served upon any one of a number of appellants. When the town board of supervisors is a party, and papers have been served upon the chairman, if he is in favor of the party appealing, one of the other supervisors should make answer.

3. In case of neglect of the proper appellees to answer an appeal, any person having an interest in the matter may make answer to it, being governed in all cases by the same rules as would govern appellee.

## REPLICATION OR REJOINDER.

A replication or rejoinder will be allowed, upon proof that new facts have come to the knowledge of the party wishing the rejoinder since the appeal or answer was submitted to the state superintendent, or that there are material errors in the statement of the other party.

## GENERAL REMARKS.

If the appellant or appellee presents statements of other parties, these statements should be verified by the affidavit of the person making the same.

All decisions on appeal must be filed or recorded as the state superintendent shall direct.

No decision can be rendered on ex parte statements. No papers will be considered that are not properly verified, and properly served on opposing parties.

The propriety of leaving out of appeals all matters of a purely personal character, except as they may have a direct bearing upon the subject, is obvious.

As appeals are usually decided upon written and not upon oral evidence, it is not necessary or proper for either party to appear in person, expecting to be heard in the case, without the presence of the other party.

Particular care should be taken to follow the directions in regard to affidavits, serving copy, etc., so that it may not be necessary to send papers back for correction.

Not only must every paper presented in a case, by either party, be verified by affidavit, and a copy be served on the other side, but in making the copy, care must be taken to copy every affidavit as well as the statement which it verifies. If this is not done, the party upon whom such copy is served has no evidence that the original was sworn to.

If the appeal is not taken or the answer or rejoinder made within the prescribed time, the reasons for the delay must be given.

## APPEALS BY TEACHERS.

Any person refused a certificate by the county superintendent of schools may make appeal to the state superintendent, according to section 452, using the following form:

To A. B., County Superintendent of Schools for ——— County:

Sir: You are hereby notified that I intend to appeal from your refusal to grant me a certificate, and I hereby ask you for your reasons for such a refusal, that I may present the same to the state superintendent, with my appeal.

Respectfully yours, ——— ———.

The refusal is ordinarily for alleged want of learning. In this case the appellant will usually appear before the state superintendent for re-examination. He should not come, however, without previous notice; but after notice to the county superintendent, as above, and on obtaining the statement of reasons for refusal, he should forward the same to the state superintendent, notifying him of his desire for a re-examination, that a time may be fixed which may be convenient to both parties.

If the appellant and county superintendent mutually agree that the

appeal shall be decided on the papers on which a certificate was refused, a re-examination may not be necessary.

If the refusal is for alleged want of ability to teach, or for alleged immorality, the appeal will be decided on the evidence submitted in writing by the parties. The papers should be made out and verified, and copies served, as provided under the Rules for Appeals.

In case a teacher's certificate is annulled, he also has a right of appeal. For this purpose the following form may be used:

To A. B., County Superintendent of Schools for —— County:

Sir: You are hereby notified that I intend to appeal from your action in annulling my certificate, and I hereby ask for your reasons for such action, that I may present the same to the state superintendent, with my appeal.

Respectfully yours, ————

The directions given above, in regard to an appeal from a refusal to grant a certificate are to be followed, as far as applicable, in an appeal from the action of a superintendent in annulling a certificate.

## XXVIII.—MISCELLANEOUS LAWS; PENALTIES.

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**Clerk's liability.** SECTION 498. Every district clerk who shall wilfully neglect to make the annual report for his district as required by law shall be liable to pay the whole amount of money lost by such district in consequence of his neglect, which shall be recovered in an action in the name of and for the use of the district.

**Town clerk and superintendent's liability.** SECTION 499. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report as required in this chapter within the time limited therefor shall be liable on his official bond to pay the town the amount which such town or any school district therein shall lose by such neglect or refusal, with interest thereon; and every county superintendent who shall neglect or refuse to make the report required of him by this chapter to the state superintendent shall be liable to pay to each town the amount which such town or any school district therein shall lose by such neglect or refusal, with interest thereon, to be recovered in either case in an action prosecuted by the town treasurer in the name of the town. All money collected or received by any town treasurer under the provisions of this section shall be apportioned and distributed to the school districts entitled thereto in the same manner that the money lost by any such neglect or refusal would have been apportioned and distributed.

**Neglect of duty.** SECTION 500. Every taxable inhabitant receiving the notice mentioned in sections 413 and 415, and every chairman of the first district meeting in any district who shall wilfully neglect or refuse to perform the duties enjoined upon him by this chapter, shall respectively forfeit the sum of five dollars. Every person duly elected to the office of director,

treasurer or clerk of any school district who shall neglect or refuse without sufficient cause to accept such office and serve therein. or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars; and every school district officer who shall neglect or refuse to deliver to his successor in office all records, books and papers appertaining to such office shall forfeit not exceeding fifty dollars.

**Who not to deal in school books, etc.** SECTION 501. Neither the state superintendent, his assistant, nor any person in his office. nor any county superintendent, nor school district officer, nor any officer or teacher connected with any public school shall act as agent or solicitor for the sale of any school books, maps, charts, school library books. school furniture, apparatus or stationery, or furnish any assistance to or receive any reward therefor from any author. publisher, bookseller or dealer doing the same. Every person violating this section shall forfeit not less than fifty nor more than two hundred dollars for each offense and be liable to removal from office therefor.

**Drawing unauthorized order.** SECTION 502. Every district clerk who shall draw an order upon the treasurer for any purpose not authorized by law, and every director who shall countersign such order, shall forfeit for each such order not less than twenty nor more than one hundred dollars.

**Refusal to enforce decision.** SECTION 504. In case the town board or any other officer shall neglect or refuse to carry into effect any decision of the state superintendent made upon an appeal from their or his action or refusal to act, each supervisor or other officer refusing or neglecting shall forfeit the sum of fifty dollars; and every town clerk who shall so neglect or refuse shall also be liable to removal by the town board upon proper notice thereof.

**Recovery of forfeitures.** SECTION 505. All actions for the recovery of any forfeiture incurred under the provisions of this chapter shall be prosecuted by the director of the school district interested, except when such director has incurred a forfeiture. in which case such action shall be prosecuted by the treasurer of such district; and in case either shall refuse or neglect to prosecute he shall forfeit twenty dollars. All for-



feitures recovered shall be first applied to the necessary expenses of such prosecutions, and one-half of the remainder shall be paid into the district treasury for the use of the district and the other half to the county treasurer for the benefit of the school fund.

**By voter.** SECTION 506. Whenever any person or officer designated in this chapter to prosecute an action for a forfeiture or for a neglect of duty shall fail to prosecute such action for the space of ten days after being requested in writing by a vote of the proper district so to do, any voter may prosecute such action for the recovery of such forfeiture or for any neglect of duty in the manner herein prescribed.

**Removal of officers.** SECTION 507. Any school district officer may be removed from office by the county judge for wilful neglect of any duty upon the written application of the majority of the legal voters of his district or of any person aggrieved by such neglect, containing a full statement of all the charges preferred against him. A copy thereof, with a notice of the time and place when and where a hearing upon the same will be had, shall be served upon such officer at least ten days before such hearing. Such officer shall have full opportunity to be heard in his defense; and the judge, upon satisfactory proof of such neglect of duty, may by order remove such officer from his office, and in case of removal shall forthwith file such order in the office of the town clerk and cause a copy thereof to be served upon each of the other officers of the district. The person so removed from office shall not be appointed to fill the vacancy occasioned by such removal; and for all services performed by the county judge under the provisions of this section he shall receive three dollars for each day actually employed, to be paid by the county.

**Removal of county superintendent.** SECTION 975. The judge of the circuit court may, in term time or vacation, by an order specifying the cause thereof, a copy of which he shall certify to the county clerk, remove any county superintendent of schools in his circuit for incompetency, wilful neglect of duty or for acting as agent for or receiving any fee or reward from any author, publisher, bookseller or dealer in school books, maps or charts or school library books or school furniture or apparatus. Such removal shall be made only upon a petition setting forth fully the charges preferred against him, and after

a copy thereof, with a notice attached, stating the time and place when and where such petition will be presented to such judge, shall have been personally served upon such superintendent at least thirty days before the hearing, and an opportunity given him to be heard. The testimony shall be taken and the proceedings conducted summarily under such reasonable regulations as the judge shall prescribe.

**Doors, what to open outwardly; fire escapes.** SECTION 4390, (Chapter 328, laws of 1909 amending Section 4390, statutes of 1898 as amended by chap. 380, laws of 1901). Every building now or hereafter used, in whole or in part, as a public building, public or private institution, hotel, inn, school house, church, public hall, place of assemblage or place of public resort, factory or workshop, opera house or office building, must be provided with \* \* \* exits having doors that open or swing outward, whether such doors are outer doors or open upon vestibules or stairways and when storm doors are used at the entrance of any such building, either inside or outside, said storm doors, shall have a glass therein, not less than fifteen inches square \* \* \*. Any owner, tenant, corporation, person or persons in charge of any of the above named buildings who shall fail to comply with this section \* \* \* or any architect who shall prepare plans for any building which is required by \* \* \* this section to be provided with such doors \* \* \* without providing in such plans for the same shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not longer than ninety days. The provisions of this act shall not apply to rural school buildings of but one story in height.

Chapter 349, Laws of 1901, provides that every school house, hotel, tenement house, public building, etc., etc., more than two stories high shall be provided with one or more iron fire escapes with iron platforms, etc. Severe penalties are provided for by chapter 349 for failure to comply therewith and the enforcement of the law comes within the jurisdiction of the commissioner of labor, the factory inspectors, or of chiefs or marshals of the fire departments of cities and villages. It is not compulsory that the doors of one story school buildings shall open outward.

**Injury to public buildings, to timber on state or county lands; removing stone or mineral from lands, etc.** SECTION 4442. Any person who shall cut down, injure or destroy any tree or timber, growing or standing upon land belonging or mortgaged to or held in trust by the state, or who shall take and carry away any timber or wood so cut or severed, or previously

cut or severed, and remaining upon such land, or who shall take or carry away, any mineral, earth or stone from such land, or who shall wilfully, maliciously or wantonly cut down, injure or destroy any tree or timber growing or standing upon and belonging or mortgaged to or held in trust by any county in the state, or take and carry away any timber or wood so cut or severed, or previously cut or severed and remaining upon such land, or who shall so dig or carry away any mineral, earth or stone from such land, or mutilate, deface, injure or destroy any building or other structure belonging to the state or to any county, town, city, village, school district, or school board, board of trustees, corporation, company or association and used for religious, educational, penal, correctional, charitable or other public purposes, or any building or personal property whatever of any person or co-partnership, or who shall enter, without right, any agricultural or industrial fair grounds, inclosed by a fence not less than six feet high and injure or destroy any property therein, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

**Official malfeasance, what is.** SECTION 4549. Any officer, agent or clerk of the state, or of any county, town, school district, school board, city or village therein, or in the employment thereof, or any officer, regent, treasurer, secretary, superintendent, clerk or agent, of any penal, correctional, educational or charitable institution, instituted by or in pursuance of law, within this state, or any member of any body or board having charge or supervision of such institution who shall have, reserve or acquire any pecuniary interest, directly or indirectly, present or prospective, absolute or conditional, in any way or manner, in any purchase or sale of any personal or real property or thing in action, or in any contract, proposal or bid in relation to the same, or in relation to any public service, or in any tax sale, tax title, bill of sale, deed, mortgage, certificate, account, order, warrant or receipt made by, to or with him in his official capacity or employment, or in any public or official service, or who shall make any contract or pledge, or contract any indebtedness or liability, or do any other act in his official capacity, or in any public or official service not authorized or required by law, or who shall make any false statement, certificate, report, return or entry in any book of accounts or of records in respect to anything done or required to be done by him officially, or in any public or official serv-

ice, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

**Discounting claims; neglect of duty.** SECTION 4550. Any person mentioned in the next preceding section, who shall pay, redeem, discount or purchase, any debt, claim or demand in favor of any other person, against the state, or any county, town, school district, school board, city or village therein, or against any fund thereof below the true and full amount thereof, or who shall pay any such debt, claim or demand for any purpose out of any fund not provided for such purpose, or who shall wilfully violate any provision of law, authorizing or requiring anything to be done, or prohibiting anything from being done by him in his official capacity or employment, or who shall refuse or wilfully neglect to perform any duty in his office required by law, or shall be guilty of any wilful extortion, wrong or oppression therein shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

**Refusal to deliver money, etc., to successor.** SECTION 4553. Any public officer whatever, in this state, who shall, at the expiration of his term of office, refuse or wilfully neglect to deliver, on demand, to his successor in office, after such successor shall have been duly qualified and be entitled to said office according to law, all moneys, records, books, papers or other property belonging to said office, and in his hands or under his control by virtue thereof, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

**Disturbing schools.** SECTION 4572. Any person who shall wilfully, maliciously or wantonly interrupt or in any way molest or disturb any private or public school while in session shall be punished by imprisonment in the county jail not more than thirty days or by a fine not exceeding fifty dollars.

**Obscene books, literature, papers and pictures.** SECTION 4590 (as amended by Chap. 256, Laws of 1901, amending Chap. 128, laws of 1899). Any person who shall, in a public place, or on any fence or wall, or other surface, contiguous to the public street or highway, or on the floor or ceiling, or on the inner or outer wall, closet, room, passage, hall, or any part of any hotel, inn, or tavern, court house, church, school, station house, depot

for freight or passengers, capitol or other buildings devoted or open to other or like public uses, or on the walls of any outbuildings, or other structure pertaining thereto, make or cause to be made any obscene drawing or picture or obscene or indecent writing, or print, liable to be seen by others passing, or coming near the same, such person so offending, shall, in every such case, be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not to exceed one year, or by fine not exceeding five hundred dollars.

Any person or persons who shall put up, in any public place, any indecent, lewd or obscene picture or character, representing the human form in a nude or semi-nude condition, or shall advertise by circulars or posters any indecent, lewd or immoral show, play or representation, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars, nor more than three hundred dollars; provided, that nothing in this act shall be construed as to interfere with purely scientific works, written on the subject of sexual physiology or works of art.

Any person who shall sell, lend, give away, or show, or shall have in his possession with intent to sell, give away, or show or shall advertise or otherwise offer for loan, gift or distribution, any book, pamphlet, magazine, newspaper, or other printed paper devoted principally to the publication of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than fifty nor more than five hundred dollars.

School officers should take especial care to inform pupils of the force and effect of this law. Much serious difficulty and expensive litigation may be easily avoided by so doing.

For reference to other laws and sections imposing penalties, see index under head of "Fines and Forfeitures."

**Temporary lockups not to be built within 300 feet of a public, private or parochial school.** (Chapter 372, Laws of 1907, creating section 566m.) SECTION 566m. Hereafter no lock-up or temporary place of confinement for insane persons or persons arrested for breach of ordinance or statute shall be erected in any village, or city of the third or fourth class within three hundred feet of any public, private or parochial

school building, or building used regularly or principally for school purposes.

The purpose of this act is to prevent the demoralizing effects upon school children, of excitement caused by scenes attending the arrest and jailing of lawbreakers.

**Use of tobacco prohibited—Persons under 16 years.** (Chapter 463, Laws of 1907, creating two new sections.) SECTION 4608v. Every person under the age of sixteen years who shall smoke or use cigarettes, cigars or tobacco on any public road, street, alley or park or other lands used for public purposes or in any public place of business or amusement, except when in the company of a parent or guardian, shall be punished by a fine of not more than ten dollars or by imprisonment for not exceeding thirty days.

SECTION 4608w. Any person who shall permit any person under the age of sixteen years who shall not be in the company of a parent or guardian to use cigarettes, cigars or tobacco in any form in or upon premises occupied by him, shall be punished for the first offense by a fine of not more than ten dollars and for any subsequent offense by a fine of not more than twenty-five dollars or by imprisonment for not exceeding thirty days.

This statute, while it has no direct reference to schools and educational matters, relates so particularly to the conduct of boys, including in age as it does very nearly all who attend the grades and the high schools in the cities and practically all who attend the rural schools, appears to warrant a more general distribution than is likely to be secured through the ordinary channels. For this reason it is printed in this pamphlet at this time with the hope that the attention of school officers, teachers and parents may be called to the matter and they may thereby be relieved from danger of liability to any of the penalties provided.

#### MISCELLANEOUS LAWS.

**Journal of education.** SECTION 508. Each school district clerk and each town clerk or secretary of a town board of directors may subscribe annually for one copy of the Wisconsin Journal of Education, to be paid for by the district or town, respectively, out of the school money.

The subscription price of the Journal of Education is \$1.25 a year, if paid in advance. Subscriptions, with remittances, should be addressed to "Wisconsin Journal of Education, Madison, Wis."

**Dictionaries.** SECTION 509. The state superintendent may furnish to any school district, or to any school or distinct department thereof, one copy of Webster's International dictionary on the receipt of an affidavit of the proper officer that such

school or department for which application is made has not yet been supplied, or that the dictionary furnished thereto has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent for any so to be replaced; and the state superintendent may sell, at the cost price, to any of the charitable, educational, reformatory or penal institutions of the state, on written requisition being made by the superintendent of the institution, as many copies of such dictionary, not exceeding the number of school or educational departments in the respective institutions, as may be necessary; he may also furnish each county superintendent, each teacher employed in the normal schools or university, each state officer and member of the legislature and their employees with one copy thereof at the cost price of the same to the state. The superintendent may purchase from time to time, at a cost not exceeding seven dollars per copy delivered at his office, a sufficient number of copies of such dictionary to furnish such schools, the expense thereof to be paid out of the state treasury.

Every school district or department not already once supplied with a Dictionary free is entitled to one. If the district has a graded school it is entitled to one copy for each distinct department. Applications for dictionaries must be made by district clerks, city superintendents of schools, or by the secretary of the town board of directors. Webster's International Dictionary is now furnished by the State at a cost of \$7.00. The indexed edition only will be furnished hereafter for first supply or for re-supply. When the application is for re-supply, the cost of the volume *must accompany* the application. Those who apply should be careful to give the *express office* to which the volume must be sent. Printed forms of application for first supply, additional supply, or re-supply for common district schools, or graded schools, will be mailed by the State Superintendent to school officers upon request.

When writing for application blanks, state the kind wanted. There is but one kind furnished in all cases where the application is for first supply, and where the application is for first supply, the writer should state whether or not the school is a school of but one department, or a graded school, and whether or not such school is under the township system of school government, in order that the proper blanks may be sent. A suitable place to keep the dictionary should be provided by the board. Children should not be allowed to *play* with the dictionary.

**Part of library.** SECTION 510. All such dictionaries heretofore or hereafter received by the several districts shall belong to the district library, but during the time a school is taught they shall be and remain in the school rooms during the hours of school, for the exclusive use of the scholars and teachers, and under the control of the teachers or principals, who shall be responsible to the districts for their loss or for any unnecessary damage they may receive.

**Payment of money.** SECTION 511. The state superintendent shall pay to the state treasurer all money received on account of dictionaries sold as aforesaid, and render an account of all dictionaries sold in his report to the governor.

**Residents, who are; county's liability.** SECTION 512. Every person of lawful school age maintained as a public charge shall, for school purposes, be deemed a resident of the district in which he lives; for every person so maintained by the county the county board shall for each year allow to the district in which such person may attend school an amount for each person so attending equal to the amount expended in that year for each pupil in such district for school purposes; and in case such person be maintained by any town, such town board shall allow a like amount to such district. Such account shall be reckoned by the district officers without reference to the number of pauper children attending such school.

**Women may be officers.** SECTION 513. Every woman of twenty-one years of age and upwards may be elected or appointed as director, treasurer or clerk of a school district, director or secretary of a town board under the township system; member of a board of education in cities, or county superintendent or town inspector of common schools.

The last six words were added by the bill submitted by the commissioner appointed to revise the school code; the provision therein for inspectors of common schools was not enacted. The clause referred to was overlooked by the committee on revision or it would probably have been stricken out. There is no such office as "town inspector of common schools."

**Arbor and labor day.** SECTION 137*b*. The governor, by proclamation, may set apart one day each year to be designated as arbor and bird day, and may request its observance by all schools, colleges and other institutions by the planting of trees, the adornment of school and public grounds, and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them. He may also set apart, in said manner, one day in each year to be observed as labor day.

**Physical education.** SECTION 553*a*. Physical education may form a part of the regular school curriculum in all normal, high and city schools entirely or partly maintained by the state.



In all normal schools and normal departments of high schools the instruction of the pupils may be such as to enable them to become competent teachers of physical education in common or graded public schools.

**Investment of school funds.** SECTION 553*b*. The board of education or school board of any city having the care or custody of school funds or management of the finances of the public schools therein may, by a vote of a majority of all of its members elect, in lieu of designating banking depositories or any other disposition provided for the care or keeping of such funds, invest the same or such portion thereof as it may deem expedient in the registered bonds of the United States at their market value. Whenever such board shall decide to make any such investment the treasurer of such board shall be directed to purchase such bonds with such funds and register and keep the same under such regulations as such board may prescribe. Whenever such bonds have been purchased such board may direct its treasurer to sell the same or any part thereof for cash at their market value, from time to time for current expenses, as said board shall deem expedient.

**Commercial schools.** (Chapter 124, Laws of 1905.) SECTION 1. The state superintendent of public instruction is authorized to fix and prescribe a course of study for commercial schools or colleges. To all schools accepting and adopting such standard and requirement for admission and graduation therefrom, he shall grant a certificate of such fact and shall include in his biennial report a list of the schools so complying.

**Fire and tornado insurance companies.** (Chapter 373, Laws of 1905.) SECTION 1. All boards of education and school districts in the state are hereby empowered to enter into, and organize mutual fire insurance companies for the insurance of public school buildings and their contents, against fire, lightning and tornado, in accordance with the provisions of this chapter. The terms school district, and district, as used in this act shall include all towns which have adopted or shall adopt the township system of school government and all cities acting under general or special charters, and the term board shall include all boards of education, school district boards, boards of school directors, and other bodies having committed to them by law or by general or special charter, the management and control of public school buildings.

SECTION 2. Any number of such boards and districts, not less than twenty-five, may form themselves into a corporation for the purposes aforesaid, by complying with the following conditions, namely: The representatives of such boards and districts, being first duly authorized to do so by the boards and districts represented, shall sign articles of organization which shall be substantially in the following form. The boards of education and school districts named below, by their duly authorized representatives, do hereby associate for the purpose of forming a mutual fire and tornado insurance corporation for the purpose of insuring public school buildings and their contents against loss and damage by fire, lightning and tornado, under the provisions of chapter 373 of the laws of 1905.

The name of such corporation shall be .....

The elective officers of the corporation shall be a president and a board of directors of four members, to be elected at the first meeting of the signers of the articles of association from their number; two of said directors shall hold their office until the first annual meeting, and two of the directors shall hold their office until the second annual meeting. The president shall hold his office until the first annual meeting of the corporation, and shall thereafter be elected annually, and he shall be ex-officio president of the board of directors, and a member thereof. At each annual meeting two directors shall be elected for two years in the place of those whose terms shall expire at the time of such meeting. The board of directors shall fix the time and place for holding the annual meeting, and shall elect the secretary and treasurer, and such other officers as shall be provided for in the by-laws of the corporation.

In witness whereof we have hereunto affixed our names by our duly authorized representatives, and have caused them to authenticate the same by their signatures respectively.

(Here insert names of boards and districts followed in each case by the signature of the selected representative.)

SECTION 3. Whenever such articles have been subscribed as required above, they shall be filed with the commissioner of insurance, with proof that not less than twenty-five applications for policies of insurance aggregating not less than two hundred fifty thousand dollars have been received, and if such articles shall be found to be in proper form, the commissioner shall issue a certificate to the effect that the association is organized and is authorized to do business. The first meeting of the signers must be held within sixty days after such certificate is issued, and may be held at any convenient place on a call signed

by not less than ten of such signers, on not less than ten days' notice by mail to the remaining signers.

SECTION 4. The general management of the business of corporations so organized shall be vested in the board of directors which shall be chosen as provided in the articles of association, and shall have the powers therein enumerated and such other powers as shall be necessary to carry into effect the provisions of this act, and as shall be enumerated in the by-laws, and the said board shall keep a record of all its proceedings in a book kept for that purpose.

SECTION 5. Such corporation before it shall issue any policies, shall prepare and adopt by-laws and file the same with the commissioner of insurance as hereinafter provided, which shall prescribe the duties of its officers, the manner, time and place of electing them, the place and manner of transacting business, the time and manner of giving notice of loss and of adjusting and paying losses, and such other rules and regulations as may be deemed essential or convenient for the management of its affairs. Such by-laws may be adopted at the first meeting of the corporation or at an adjourned meeting, or may, if such meeting shall so determine, be framed and adopted by the board of directors, and such by-laws shall not be annulled, changed, suspended or repealed except in the manner therein set forth, and a copy thereof and of all amendments thereto and changes therein shall be filed by the secretary forthwith after its adoption with the commissioner of insurance.

SECTION 6. Such corporation may issue policies, signed by its president and secretary, agreeing to pay to the board of education or school district insured, any loss which may be sustained by it by fire, lightning and tornado for a period of not more than five years, not exceeding on any single risk two per cent of the amount of insurance in force or contracted for. Such policies shall contain such conditions as the by-laws shall prescribe, but such corporation shall not make or execute any policy until a blank form for the same shall have been submitted to and approved by the commissioner of insurance; provided that no such company shall be required to use the Wisconsin standard policy. The board of directors may classify property to be insured, according to the risk involved.

SECTION 7. Each board of education and school district to which any policy shall be issued, shall be a member of the corporation, and shall be entitled to one vote at all meetings of the corporation, for each one-thousand dollars or major fraction thereof of insurance held by it, and shall be represented at all

meetings of the corporation by a member of its board selected by it for that purpose. In case no such representatives shall be selected, then the clerk or secretary of such board of education or the clerk of the school district, shall act as such representative, if he shall be a member of such board, and if such clerk or secretary shall not be a member of the board then the president of such board shall act as such representative. Such boards shall have the right to change their representatives at will, and in case of such a change shall notify the secretary of the corporation, specifying the person, if any chosen. Any representative of any board or district to which a policy of insurance has been issued, or which has agreed to accept any such policy, shall be eligible to the office of president or director, but on ceasing to be such representative, shall cease to be eligible and shall be deemed to have vacated such office, but shall nevertheless continue to act for ten days, or until his successor in such office shall be selected as provided in the by-laws.

SECTION 8. Each board of education or school district to which any policy shall be issued, shall, at the time of making and issuing any such policy, give its undertaking in such form as the by-laws shall prescribe to pay its pro rata share of all losses or damages which shall be sustained by the said corporation under any policy of insurance issued by it, and its necessary business expenses, together with all legal costs and charges which shall be incurred in case legal proceedings are commenced against it on account of any such loss, at the time and in the manner provided in the by-laws. Each such undertaking shall be filed with the secretary of the corporation at the time the policy shall be issued and shall remain on file in his office. Each member at the time such insurance is effected shall pay such a percentage of the amount insured as the by-laws shall provide for the class of risk insured, and such a reasonable fee for the policy and survey of the premises and property insured as the by-laws shall determine.

SECTION 9. Whenever the amount of any loss so ascertained and adjusted shall exceed the amount of cash in the treasury of the corporation, and its probable receipts for the three succeeding months, the president shall convene the board of directors and they shall make an assessment pro rata on the members of the corporation, according to the amount of insurance held by them respectively and the rate at which the same shall be issued, which assessment shall be sufficient to pay the amount of such loss and of the expenses in connection therewith, and such a sum in addition thereto as the directors

shall determine, but no such assessment shall exceed three per cent of the policies in force, and not more than five per cent of such policies shall be levied in assessments during any one year. The assessments thus levied shall be payable not less than ninety days nor more than six months after the same are levied, as the by-laws shall determine. Notice of the assessment shall be given in the manner provided in the by-laws, and the notices so given shall state the amount of the loss and the probable amount to be derived from such assessment, and such other matters as the by-laws shall provide or the directors shall determine. If any member shall fail to pay its assessments in the manner provided in the by-laws, it shall be liable to the corporation on its undertaking, for the amount of the assessment duly levied, and for interest thereon after due at the rate of one per cent for each month or part of a month which the same shall remain unpaid after due, which may be recovered in any court of competent jurisdiction, with costs as in other cases.

SECTION 10. The corporation may require such bonds from its officers and agents as the by-laws shall provide, and may pay such reasonable commissions as the by-laws shall prescribe, or the board of directors shall determine, in case the by-laws are silent.

SECTION 11. Vacancies in any office shall be filled by the board of directors at their first meeting after the secretary shall be notified of or shall ascertain such vacancy. In filling vacancies in the board of directors, a majority of the remaining directors shall have power to act.

SECTION 12. At any meeting of the members of the corporation the representatives of members holding ten per cent of the outstanding policies of the corporation shall constitute a quorum, but a less number may adjourn from time to time. The general office of the corporation shall be in the town, city or village in which the secretary shall reside, unless the directors shall otherwise determine.

SECTION 13. Any member may withdraw from such corporation at any time by giving notice in writing to the secretary of such corporation, and paying all assessments which shall have been duly levied, but it shall, notwithstanding such notice of withdrawal, be liable for its share of all losses sustained by the corporation previous to such withdrawal, and all expenses in connection therewith, whether such losses were ascertained and adjusted prior to the giving of such notice of withdrawal or not, but no member shall be liable on account of any assessment to pay losses incurred before it became a member.

SECTION 14. The secretary of every such corporation shall annually prepare a statement of its condition on the 31st day of December, preceding the annual meeting, which shall contain the number and amount of each policy outstanding and to whom issued, the aggregate of the insurance in force on each class of property insured, the amount of losses paid during the year and to whom, the total number and the amount of the losses paid since the organization of the corporation, the amount of losses sustained and unpaid, and such other matters as the by-laws shall require to be shown therein. The treasurer shall make a detailed statement of the moneys collected by him from the several assessments made, and from all other sources, and also state every item of disbursement, and shall show the condition of the association on the date specified. The reports of both the secretary and the treasurer shall be presented to the annual meeting, and copies shall be filed with the commissioner of insurance not later than the 31st day of January after the date on which they are made.

SECTION 15. All boards of education, school district boards, boards of school directors, and other bodies having the control and management of public school buildings, in addition to the powers already conferred on them by law, or by the general or special charter under which they are organized, are authorized and empowered to become members of any corporation created under this act.

**Non-resident children permitted by law to attend school in an adjoining district in certain cases.** (Chap. 183, Laws 1909.) SECTION 435m. 1. In all cases where there are children of school age in a home located more than two miles from the school house in the home district and transportation is not provided, the distance to be measured by the nearest traveled highway and there is another school in an adjoining district located at a distance of one-half mile or more nearer to such home, the children of school age shall be privileged to attend the nearer school, provided that the facilities will permit and such attendance shall not cause the enrollment in the nearer school to exceed sixty-five during any one term.

2. The board of the district in which such family resides is duly authorized by this act and shall pay to the treasurer of the district in which the nearer school is located as compensation for the attendance of such children the amount of school money derived from the per capita apportionment made by the state superintendent from the school fund income and also the amount derived from the tax levy upon the town under the

provisions of section 1074 of the statutes which would otherwise remain in the treasury of the home district, provided that the children between seven and fourteen years of age attending the school outside the home district shall comply with the requirements of the compulsory attendance law; and all other children from like homes and attending under like conditions shall be in attendance for a period of not less than four months.

3. Failure to comply with these provisions regarding periods of attendance shall relieve the treasury of the district in which such children reside from liability for the tuition and shall place the obligation for tuition upon the parents or guardians of the children so attending.

**Powers of boards; application of chapter to cities and villages.** SECTION 515. Every such board or other body aforesaid shall have all the powers and be charged with all the duties imposed by these statutes on school district boards so far as the same are not provided for or limited by the special provisions of the act of incorporation or other act under which such board or body is constituted. Every city or village not having a system of school government specially provided by law therefor shall be governed by the provisions of this chapter. (Chapt. 27, W. S.)

**Railroad maps.** SECTION 1795a. There shall be published biennially under the supervision of the railroad commissioner, twenty-five thousand copies of the railroad map of Wisconsin, of which eight thousand copies shall be mounted on muslin and provided with rollers to be distributed by the state superintendent among the schools; twelve thousand three hundred and thirty shall be likewise mounted on muslin and provided with rollers, to be apportioned and delivered to the members of the legislature; four thousand six hundred and seventy, of which three thousand shall be unmounted and one thousand six hundred and seventy likewise mounted on muslin and provided with rollers, to be distributed by the railroad commissioner.

**State public school; admission of deformed and crippled children.** (Chap. 109, Laws of 1901.) SECTION 1. In addition to the classes of children now received at the state public school for neglected or dependent children, pursuant to existing laws there shall also be received as pupils in the said school, any such children under fourteen years of age, residents of this state, who are of sound mind but who are crippled or deformed in body, provided their bodily ailments are such as admit of proper care and treatment at the school with the facilities which are, or may hereafter be provided therefor, subject only to the limitations contained in the next section.

**Reports of academies.** SECTION 411. It shall be the duty of the president of the board of trustees of every organized academy, seminary and literary or collegiate institution heretofore incorporated or that shall be hereafter incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded to the state superintendent on or before the tenth day of October in each even-numbered year, a report for the term terminating with the thirty-first day of August of the second preceding year, setting forth the amount and estimated value of real estate owned by the corporation; the amount of other funds and endowment and the biennial income from all sources; the number of instructors and their respective salaries; the number of students in the different classes and the rates of tuition; the studies pursued and the books used; the course of instruction and such matters as shall be specially requested by said superintendent, or as shall be deemed proper by the president or principal of such academies or institutions to enable the state superintendent to lay before the legislature in his report a fair and full statement of the affairs and condition of such institutions.

**Universities and colleges—Powers of trustees.** (Chapter 68, Laws of 1907.) SECTION 1784m. Any university or college, whether organized under this chapter, or otherwise, may receive in connection with it any other university or college upon resolution of the board of trustees of the said institutions and such university or college so received shall become a branch of the university or college so receiving it and shall be subject to such rules, regulations, agreements and liabilities as may be agreed by the respective trustees of said college. Any such university or college so receiving any other university or college may grant such diplomas and confer such degrees as shall be appropriate to courses of instruction prescribed and pursued in such received university or college, and any such university or college so received may upon such terms as shall be agreed to by its stockholders and trustees sell or give an option of purchase of all its property, business and effects to such receiving college or university.

**Inspection of cadets.** SECTION 411a. The president or other principal officer of any incorporated college or school of this state which shall be under military discipline or maintain a regular military department, and have enrolled, uniformed and armed not less than one hundred cadets, may apply in writing



to the governor to have the corps of cadets of such college or school inspected by the adjutant-general or other officer appointed by the governor for that purpose. Such inspection shall be made during April, May or June of each year, upon fifteen days' notice by mail to such applicant by the inspecting officer, and shall be held in the manner and form prescribed for troops in the service of the United States.

**Officer's report.** SECTION 411*b*. The inspecting officer shall report to the governor:

1. The number of officers, non-commissioned officers and privates paraded and inspected by him in uniform.
2. What such uniform is and the condition thereof.
3. The discipline and state of instruction.
4. The number and amounts of arms, accoutrements, stores and military property exhibited to him.
5. The true condition of the same.
6. If a cavalry company or battery of artillery be maintained, what number of horses were exhibited and their condition.
7. Whether such corps has complied with these provisions and the orders and regulations of the governor.
8. Such other matters as may be required.

The inspecting officer shall receive no pay for services, but may be allowed ten cents per mile, to be paid by each of the schools so inspected.

**Suspension from inspection.** SECTION 411*c*. If such inspecting officer shall report that such corps numbers less than one hundred enrolled, uniformed and armed, or that its condition and military proficiency are not such as, in his judgment, to entitle it to the benefits of section 411*d*, the governor may notify the president or other principal officer of such college or school that it is suspended from the benefits hereby given, and in such case no application for an inspection as herein provided shall be granted for a period of two years.

**Graduates; rank of.** SECTION 411*d*. In all cases where a satisfactory report is made by such inspecting officer the students of such college or school, residents of this state, graduating during the year within which such report is made and receiving full diploma or certificate from such college or school, shall be entitled to the honorary rank of second lieutenant in the unorganized militia of the state; provided, that nothing herein

shall be construed to give such graduates any right to wear the uniform of the Wisconsin National Guard.

**School Buildings—Plans and specifications for.** (Chapter 425, Laws of 1907, creating section 524i.) SECTION 524i. 1. It shall be the duty of the state superintendent of public instruction to procure architects' plans and specifications for not to exceed four room school buildings, and full detail working plans therefor. Said plans and specifications shall be loaned to any district desiring to erect a new school building.

2. Where the plans and specifications prepared by the state superintendent are not used, in order that the health, sight and comfort of pupils may be properly protected, all school boards of districts in which new school houses of not to exceed four rooms are to be erected shall make suitable provision for the heating, lighting and ventilating, and hygienic conditions of such buildings, and all plans and specifications for any such proposed school building shall be submitted to and approved by the county superintendent of schools in whose jurisdiction the district is located, before the same shall be accepted by the school district board of the district in which it is proposed to erect such building.

3. Five hundred dollars is appropriated from the general fund, for the use of the state superintendent in procuring the plans and specifications provided in section one of this act.

**Free public lectures.** SECTION 1. (Chapter 336, Laws of 1901, as amended by Chapter 125, Laws of 1905.) The board of school directors or the board of education of any city is hereby authorized and empowered to provide for the employment of competent persons to deliver evening lectures on the natural sciences, on historical, literary, or other educational subjects, in the public school buildings, in public library buildings, or in other suitable places of said city.

SECTION 2. The said board of education shall have power to purchase the books, stationery, charts and other things necessary and expedient to successfully conduct said lectures which it shall have power to direct.

SECTION 3. No admission fee shall be charged and at least one school building or public library building shall be designated by said board of education for the purpose of carrying out the provisions of this act; and said lectures shall be delivered in such school or library building between the first day of October and the 31st day of March in each year, which lectures

shall be advertised in a newspaper published in said city at least one week in advance of the delivery thereof.

SECTION 4. The board of education is hereby authorized, previous to the first day of September in each year, to meet and provide the necessary appropriation for the purpose of carrying out the provisions of this act.

**Condemnation of school buidings.** SECTION 524m—1. (Chapter 550, laws of 1909.) The inspector of rural schools, the inspectors of state graded schools, and the inspector of high schools of the state, in addition to their other duties are hereby made inspectors of public school buildings. Said inspectors shall act under the direction of the state superintendent, and under such regulations as may be established by him.

SECTION 524m—2. Whenever any county or district superintendent, city superintendent, member of a school board or board of education, or any voter of a school district, or a member of a board of health, shall make a complaint in writing to the state superintendent that any building used for or in connection with any public school in his county, district, city, village, or town, as the case may be, is in an unsanitary condition, or that the conditions are such as to endanger the life and health of the children attending school, or that the school-house is unfit for school purposes one of said inspectors designated by the state superintendent shall personally investigate and examine the premises and buildings concerning which said complaint is made.

SECTION 524m—3. Upon such investigation and examination, said inspector shall, if conditions warrant it, make an order directing the school board, the board of education, the town board of school directors, or other officer or officers having control of the school district or school corporation, to repair and improve such building or buildings as may be necessary, and to place said buildings in a safe and sanitary condition; or if the said inspector shall deem the schoolhouse unfit for school purposes and not worth repairing he shall state said fact and recite the reason therefor.

SECTION 524m—4. The said inspector shall file said order in the state superintendent's office, and cause true copies thereof to be delivered, by mail or otherwise, to the clerk of the district board, the secretary of the town board of school directors, the clerk of the board of education of the district or school corporation where such schoolhouse and premises are located, and shall deliver as provided herein copies of said order to the

proper county, district or city superintendent, and also the clerk of the town, city, or village in which the schoolhouse is located.

SECTION 524m—5. The said order shall state the time in which it shall be complied with, and shall take effect from its date, and shall continue in force and full effect until reversed. The decision of the inspector may be appealed from to the state superintendent in the time and manner now provided for taking appeals to said superintendent, and the decision appealed from shall be stayed pending such appeal.

SECTION 524m—6. Whenever any school district, school corporation, school board, board of education, or town board of school directors shall refuse to comply with the order of said inspector within the time therein specified, such school district or school corporation shall forfeit absolutely its apportionment of the fund derived from the seven-tenths mill tax, provided for in section 1072a of the statutes, and amendments thereto, and shall continue to so forfeit its regular apportionment of such fund until there is full compliance with the requirements of said order.

SECTION 524m—7. Nothing in this act shall be deemed to interfere with the operation of the provisions of subsection 3 of section 461 of the statutes, relating to the duties of county superintendents of schools, or with the provisions of section 1418b of the statutes, relating to the inspection and regulation of the sanitary conditions of schoolhouses by boards of health.

**Small-pox—Control of in school districts.** (Chapter 113, Laws of 1907, creating three new sections.) SECTION 1413 l. To prevent the spread of small-pox the local board of health of any city, incorporated village or town when the disease is present in any school district or part thereof, which is included in such city, incorporated village or town, shall prohibit the attendance at school in any such district or part thereof for a period of twenty-five days, after the appearance of small-pox, of any and all pupils and teachers, who have not been successfully vaccinated or who fail to show a certificate of recent vaccination.

SECTION 1413m. Should new cases of small-pox continue to develop in such school district or part thereof, after the expiration of twenty-five days, the local board of health shall, upon the advice and consent of the state board of health, renew such order for another period of twenty-five days, or so many days thereof as the state board of health may deem necessary, in order to control the epidemic.

SECTION 1413n. If the parents or guardian of any child or children are unable to pay for such vaccination the expense thereof shall, upon the recommendation of the local board of health, be paid for by the city, village or town in which such expense is necessarily incurred. The local board may provide for the free vaccination of all children in any school district or part thereof during an epidemic of small-pox whenever in its judgment such action is required. The necessary expense thereof to be paid by the city, incorporated village or town upon the order of the local board of health.

This is another chapter that, while it does not apply directly to the educational interests, will nevertheless be of large interest to the general public. For this reason it is given a place in this compilation.

**Text-books—County uniformity of.** (Chapter 561, Laws of 1907, creating twenty-five new sections.) SECTION 553m—1. Whenever at any annual county school board convention provided for in chapter 105, laws of 1905, the question of adopting county or district uniform school text books shall be voted upon, the vote shall be taken by school districts and each school district shall be entitled to one vote. If a majority of all the districts in the county or superintendent district is in favor of adopting county or district uniform school text books, it shall be the duty of said school board convention to immediately proceed to the election of a county board of education for such county or superintendent district, which board shall be composed of five persons, except as hereinafter provided. And said school board convention shall, at a regular annual meeting, every four years thereafter elect five persons who shall constitute said county board of education. School officers residing in school districts not affected by the provisions of this act shall not be entitled to vote on the question of uniformity of text books nor be entitled to participate in the election of the members of the county board of education.

SECTION 553m—2. Whenever it shall be impracticable in any county to elect said board because of a limited number of persons in such county, possessing the qualifications in this act provided, the county school board convention shall elect three persons who shall constitute said board of education.

SECTION 553m—3. The members of the county board of education so elected shall hold their offices for four years and until their successors are elected and qualified.

SECTION 553m—4. The county school board convention shall fill all vacancies occurring in said board of education, excepting vacancies occurring between the annual meetings of said school board convention which shall be temporarily filled by said county board of education.

SECTION 553m—5. 1. No person shall be appointed to said county board of education who is not a legally qualified teacher and has not had at least five years' experience in teaching or in the supervision of public schools.

2. Nor shall any person be appointed to serve upon said board who is a dealer in text books or is an agent of, or directly or indirectly interested in, any person, firm or corporation engaged in the publishing or furnishing of school text books, or who shall be directly or indirectly interested in any book or series of books as the author, associate author or in any manner whatsoever; and if any person shall become so interested during his term of office as member of said board of education, his office shall, ipso facto, become vacant, and be filled as provided for other vacancies.

3. Any such person who shall violate any of the provisions of this section while holding the office of member of said county board of education shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail of said county not less than sixty days nor more than one year, or by both such fine and imprisonment.

SECTION 553m—6. Each member of said county board of education shall, before entering upon the duties of his office, take and subscribe to the constitutional oath of office to faithfully, impartially and honestly perform and discharge the duties of his office; and shall in addition thereto swear that he is not directly or indirectly interested in or related to any publishing house, person, firm or corporation, engaged in publishing or furnishing school text books, or any of their agents, and that he is not interested directly or indirectly in any book or series of books as the author, associate author, or otherwise; which oath shall be filed with the county clerk of each county.

SECTION 553m—7. The members of said board of education shall within ten days after their appointment meet at the

county seat and organize by electing one of their number president, and one secretary, and a majority of the board shall constitute a quorum for the transaction of business, except that in the selection or adoption of text books it shall require a majority vote of all the members of the board to adopt or change any text book.

SECTION 553m—8. The president and secretary so elected shall act as president and secretary at the meetings of the said board, and said board shall adopt such rules and regulations as may be necessary to the transaction of its business, not contrary to the provisions of this act.

SECTION 553m—9. It shall be the duty of the president and secretary and they are hereby authorized, to sign all contracts on behalf of said board, and it shall be the duty of the secretary to keep a full and complete record of all proceedings of said board of education in a book kept for that purpose, which book shall be deemed a public record and be kept in the office of the county superintendent of schools.

SECTION 553m—10. Said county board of education shall hold an annual meeting at the county seat on the first Saturday in May, for the purpose of organization and the transacting of any business that may lawfully come before it, and they shall meet at such other times as may be deemed necessary by the majority of the board, and it shall be the duty of the president of said board to call a meeting at any time, upon the written request of three members or a majority of the board.

SECTION 553m—11. Every county board of education shall between the first day of January and the first day of July, next following the date of their appointment, and every fourth year after the first adoption of text books, meet at the county seat and select and adopt a uniform series of text books for their respective counties.

SECTION 553m—12. The books so selected shall be used in all school districts of the county except, in districts and cities maintaining a free high school and in state graded schools of the first class, and shall include all branches provided by law to be taught in the district schools of Wisconsin; and none of said text books shall contain matter of a partisan or sectarian character.

SECTION 553m—13. Text books so selected and adopted by county boards of education for use in the schools of any county

shall be introduced the following September and used by each and every district in the county, coming within the provisions of this act, and shall remain in use until the same shall be displaced or replaced by said county board of education; but no book selected, adopted and introduced into said schools shall in any manner be changed within five years from the date of adoption.

SECTION 553m—14. In school districts that are now furnishing free text books it shall be optional with the board of any such district as to whether or not a change of the text books now in use shall be made; but whenever a change is made in such text books or new text books shall be introduced, only such text books shall be selected as are prescribed and adopted under the provisions of this act.

SECTION 553m—15. Nothing in this act shall prevent state graded schools when they may deem it advisable, by a unanimous vote of the school board of any graded school, from adopting in lieu of the uniform series of text books provided for by the county board of education, the uniform series of books regularly adopted for use in the grades of the nearest city school system.

SECTION 553m—16. The text books selected and adopted by said board of education shall be selected after a careful examination and consideration of all lists or sets of books presented, and shall be the best books in the opinion of the board, taking into consideration quality of material used, illustrations, binding, price, and all other things that go to make up a desirable text book; merit, however, shall be the main point to be considered in their selection. A majority vote of all the members of said board of education shall be required to adopt, change or re-adopt any and all text books.

SECTION 553m—17. Nothing contained in this act shall be so construed as to prevent school districts coming within the provisions of this act, or the county board of education, from selecting, introducing and using additional and supplementary books at any time when they deem it necessary in order to establish and maintain the highest standard of excellence in their schools.

SECTION 553m—18. Such supplementary books shall not be used to the exclusion of the books prescribed and adopted under the provisions of this act and full use shall be made in good faith of the books adopted under this act.



SECTION 553m—19. Each and every county board of education shall at least thirty days before meeting to adopt text books send notice to text book publishers and advertise in a newspaper of general circulation of the county a notice to the effect that said board will on a day named therein, meet at the county seat and select and adopt a uniform series of text books for the use of all the public district schools of said county, except in districts and cities maintaining a free high school and state graded schools of the first class, and shall invite proposals for the furnishing of such books, giving a list of text books to be selected, the publishers to state an exchange price, wholesale price and retail price to pupils or school districts during the period of their use in said county and such further information as said board of education may require. Said notice shall also state the time when proposals and samples of books must be submitted to them, and such further facts as the said board may deem necessary.

SECTION 553m—20. 1. Any person, firm or corporation desiring to furnish books under the provisions of this act in any county shall, at or before the time for filing his bid or proposition hereunder, deposit in the office of the county superintendent of schools samples of all text books included in his bid, together with lists giving the lowest exchange price, wholesale price and retail price to pupils or school districts for the same.

2. Said samples and lists shall remain in the said superintendent's office, and shall be delivered by him to his successor in office, and shall be kept by him in such safe and convenient manner as to be open at all times to the inspection of such school officers, school patrons and school teachers as may desire to examine the same and compare them with others for the purpose of use in the public schools.

SECTION 553m—21. Said board of education shall require any person or persons, firm or corporation with whom they contract for furnishing any books to give a good and sufficient bond, in such sum and with such conditions and sureties as may be necessary and reasonable, for the faithful performance of any such contract. Bonds of surety companies, duly authorized under the laws of Wisconsin, shall be accepted.

SECTION 553m—22. 1. Said board of education shall arrange for such depositories as it may deem necessary for the

purpose of furnishing to school boards or local dealers the books adopted and to be used.

2. Such depositories shall furnish a good and sufficient bond to protect publishers against any possible loss that may be sustained. Depositories shall receive books displaced by the uniform adoption and return same to publishers at agreed allowance. Depositories shall accept books on uniform list at reasonable price from people who are moving out of the county; such books to be resold to pupils in the county at a slight advance on cost.

SECTION 553m—23. In all joint school districts coming within the meaning of this act, situated in more than one county in the state, such joint school district shall, for the purpose of this act, be held and deemed to be a school district within the one of said counties where the school house is located, and for all purposes of this act it shall be under the control and jurisdiction of the county board of education of such county in which the school house is located.

SECTION 553m—24. It is expressly provided that this act shall not apply to districts and cities maintaining a free high school, or state graded schools of the first class, or to districts maintaining independent high schools, nor to private or parochial schools; but nothing in this act shall be construed to prevent any of such schools from adopting and buying the books adopted by the county board of education at the prices and terms fixed by them if they shall elect to do so.

SECTION 553m—25. The members of the said county board of education shall be reimbursed their actual and necessary expenses in the performance of their duties; the same to be paid out of the funds of the county not otherwise appropriated.

This law is new to Wisconsin. A county uniformity text-book law has however been in existence in some other states for several years. This is another of the late statutes that demands a thorough study on the part of school officers. The question of whether or not a county shall adopt a uniform system of text-books for certain schools must be decided by the school district boards assembled at the regular county school board convention, each district, (not each district officer), having one vote. The vote must be taken by ballot. The ballot should have written or printed thereon "For County Uniformity of Text-books", "Against County Uniformity of Text-books." If a majority of the districts in the county or superintendent district vote in favor of county uniformity of text-books, the members must immediately proceed to the election of a county board of education, to be composed of five persons, unless there should not be five properly qualified persons in the county. The board may then be composed of

three persons. Each of the members of the board of education must have had at least five years of experience in teaching or in the supervision of public schools. (Eight months of teaching may for the present be construed as equivalent to one year's teaching.) The term of office of the members of the board of education is five years. Vacancies are to be filled regularly by the school board conventions and may be filled temporarily by the county board of education. It is the duty of the county board of education to select the text-books for use in the schools. All cities and districts maintaining a free high school and all state graded schools of the first class are exempt from the operation of this statute. It applies however to the one-room common schools and to the state graded schools of the second class. Districts in which the free text-book system has been adopted are not required to adopt the text-books adopted by the board of education *until some change is made in the text-books adopted for use in that particular district*. Whenever any text-book furnished free is changed, however, a corresponding book of the uniform series must take its place. The state graded schools of the first class and the grades below the high schools are privileged to adopt the uniform series provided by the board of education and are also to secure the books for the same rates that are paid by the one-department schools. When text-books are once introduced they must not be changed within five years from the date of the adoption. Additional and supplementary text-books may be selected by the district boards of the different districts, but the supplementary books must not be used to the exclusion of the books adopted by the board of education. Suitable and convenient depositories are to be provided for the purpose of furnishing the books. The persons having charge of the sale of uniform adopted text-books are to be governed strictly by the provisions of the act. It must be remembered the only schools coming within the scope of this law are the one-department country schools, and the two-department state graded schools. It does not apply to any work above the eighth grade. While the school board conventions may be called upon to vote upon this question at the meetings held this winter, the system can not take effect until the beginning of the next school year, July 1, 1908. Do not fail to read and to study this chapter in all its particulars. The subject is an important one and one that must be acted upon intelligently and with as large a knowledge of the conditions existing in the county interested as can possibly be obtained.

## XXIX.—CONSTITUTIONAL PROVISIONS.

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(Article 10.)

**Superintendent of instruction, how chosen, powers and compensation.** (Chapter 258, Laws of 1901.) **SECTION 1.** The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications; powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.

**School fund, what is; interest of, how applied.** **SECTION 2.** The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes (except the lands heretofore granted for the purposes of a university), and all moneys, and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected, in the several counties, for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land, to which the state is entitled by the provisions of an act of congress, entitled, "An act to

appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also the five *per centum* of the net proceeds of the public lands to which the state shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the "school fund," the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

1. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

**District schools; tuition; sectarian instruction.** SECTION 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition, to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

**Annual school tax.** SECTION 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes from the income of the school fund.

**Income of school fund, how distributed.** SECTION 5. Provision shall be made by law, for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city, or town, for the year in which said city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

### XXX.—OF THE DISTRIBUTION OF THE SCHOOL FUND INCOME.

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(Chapter 28, Wisconsin Statutes.)

**Apportionment of.** SECTION 554 (as amended by Chap. 115, Laws of 1899, and as amended and numbered by Chap. 313, Laws of 1903). The school fund income shall be apportioned by the state superintendent between the tenth and fifteenth days of December in each year. The amount to be so apportioned shall include all moneys belonging to said fund received prior to the first day of December in the same year, together with the amount thereafter to accrue to such income from the state tax levy made in the same year, and the two hundred thousand dollars to be appropriated from license fees and taxes paid by corporations in February following, under the provisions of section 1072a, and after December, 1903, shall include also the interest receipts thereafter to accrue to said fund from the state tax levy of the same year or to be collected therewith as special charges. Such apportionment shall be made among the several counties, towns, villages and cities according to the number of children in each over the age of four and under the age of twenty years, as shown by the reports made to the State Superintendent for the year preceding, ending June 30.

**Loss of right.** SECTION 554a (as renumbered by chapter 313, Laws of 1903). Whenever any town, village or city shall fail in any year to raise by tax, for the support of common schools therein, a sum equal to the amount of its share of such school fund and other income as determined by the county board in pursuance of section 1074, the amount of the apportionment to such town, village or city for that year shall be

withheld from the next succeeding apportionment, unless the town or village board or common council shall have transferred as they are hereby authorized to do, from the general fund to the school fund of the town or village or to the board of education of the city for such purpose, the amount of deficit in such school tax, and the town, village or city clerk shall have filed with the state superintendent his certificate showing such transfer, and, in the case of the town clerk, his apportionment thereof to the proper school districts before the tenth day of December. No apportionment shall be made to any city, village or town for any school district therein for any year during which such district shall not have maintained a common school taught by a qualified teacher for seven [eight] months, unless the state superintendent shall be satisfied that such school was so taught for three months, and the failure to maintain it for the full seven [eight] months was occasioned by some extraordinary cause and not arising from neglect or intent, nor to any town, village or city, nor for any school district, reports of which as required by law shall not have been made and transmitted during the preceding year to the state superintendent; nor to any city for any year the report for which shall not show that the number of children between the ages aforesaid residing therein has been ascertained by an actual census taken under the direction of the board of education or other body having the government of common schools therein, by their clerks or persons of their appointment for that purpose; provided, that provision by a school district for the instruction and transportation of its pupils in accordance with subdivision 15 of section 430 shall entitle the district to share in the apportionment as though such district had maintained a school.

See chapter 502, page 26 of this code.

**Certificate and notice.** SECTION 555. The state superintendent shall certify the apportionment made as aforesaid to the secretary of state and shall immediately give notice thereof to each county clerk and county treasurer stating the amount apportioned to his county and to each town, village and city therein. Upon receiving such apportionment the secretary of state shall draw his warrant upon the state treasurer, payable to the proper county treasurer, for the total amount apportioned each county, and the amount of such warrant shall be paid to the county treasurer entitled to receive the same at the time when he shall pay over to the state treasurer the amount due the state on account of state taxes as required by law.

**Correction of apportionment.** SECTION 556. Whenever any officer shall omit to make within the time fixed any statement or report required to be made to the state superintendent he shall notify such officer by mail or otherwise of such omission, but the failure of the state superintendent so to do shall in no manner affect the consequences of such omission. If at any time within two years after an apportionment in which any town, village, city or school district was excluded upon any ground mentioned in section 554 satisfactory evidence shall be filed with the state superintendent that such exclusion was due to some mistake or omission of some officer, and that such town, village, city or school district was legally entitled to have shared in such apportionment the state superintendent shall certify such facts and the amount justly apportionable thereto to the secretary of state and notify the county clerk and treasurer of the proper county thereof. The secretary of state shall draw his warrant therefor, and the money shall be paid from the school fund income for the use of such town, village, city or school district as if originally apportioned.

**County treasurer's duty.** SECTION 557. Each county treasurer shall apply for and receive the school money due to his county as soon as apportioned and payable, and shall immediately give notice in writing of the amount apportioned to each town, village and city in his county to the treasurer and clerk thereof respectively and shall pay the same to each such treasurer on demand, who shall pay the same to the proper school treasurer as provided by law. If any such town, village or city treasurer shall not demand such money before the next receipt of school money apportioned to such county, the county treasurer shall add such sum remaining in his hands to the money so next received and distribute the same therewith and in the same proportion among the several towns, villages and cities entitled thereto in such county.

**Apportionment. School must be maintained at least eight months.** SECTION 558. (Chapter 108, Laws of 1907, amending section 558, Statutes of 1898, as amended by chapter 450, Laws of 1901.) The town clerk shall apportion all school money received from the state and also all raised by the town, among the several districts and parts of districts within the town, in proportion to the number of persons between the ages of four and twenty years residing in each, taking such number from the last annual report of their respective district clerks.



No money shall be apportioned to any district or part of a district, except as herein provided, and as provided in section 554 of this chapter, by the discretion of the state superintendent, unless the last annual report of such district, verified by the affidavit of the district clerk, shall show that all school money received from the state by such district has been used in paying a legally qualified teacher, and that a common school has been taught in such district by such teacher for at least eight months during the year ending with the date of such report. Provided that any time which such report shall show was spent by the teacher or teachers of said district in attendance upon an institute in the county, and was allowed by the district board without deduction from such teacher's wages therefor, shall be included as a part of such eight months.

This amendment requires that hereafter at least eight months school must be maintained in each school district in order that the district may be lawfully entitled to share in the apportionment of state and county (town) school money apportionments.

**Moneys not paid.** SECTION 559. All money apportioned by the town clerk to any district or part of a district which shall have remained in the hands of the town treasurer for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the money next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town and apportioned therewith.

**Month.** SECTION 560. In reckoning school months twenty days, as specified in section 459, shall constitute a month, and one hundred and twenty days, six months, [and one hundred and sixty days, eight months. See section 554.]

At least eight months, one hundred and sixty days, of school taught by a legally qualified teacher, must be maintained in each district or sub-district in order that the district or town (in cases where the schools are organized under the township system of school government) may be entitled to share in the apportionment of the state and town school money.

**Common school fund.** (Chapter 313, Laws of 1903, amending Section 1072a of the Statutes of 1898.) SECTION 1072a. There is appropriated annually to the common school fund in-

come an amount equal to seven-tenths of one mill for each dollar of the assessed valuation of the taxable property in the state, as determined by a State Board of Assessment, exclusive of the property of corporations which pay license fees, or which are assessed for taxation by a state board of assessment, to be derived annually as follows: two hundred thousand dollars from the license fees, or taxes paid by said corporations, and the balance from a tax which shall be levied on all other taxable property. The appropriation hereby made shall be taken from the license fees and taxes aforesaid accruing to the state in the month of February in each year, and the amount thereof shall be disbursed in the manner and under the conditions and restrictions provided for disbursements of the common school fund income.

**School fund apportionment.** SECTION 1072b (as amended by Sec. 20, Chap. 351, Laws of 1899 and as renumbered by Chap. 313, Laws of 1903). SECTION 1072b. The state superintendent shall apportion the school moneys each county will be entitled to receive under the provisions of this section between the 10th and 15th days of December in each year, and certify the apportionment so made to the secretary of state and state treasurer, and he shall, at the same time, certify to each county clerk and county treasurer the amount of said tax to which each town, city and village in their respective counties is entitled. Upon receiving such apportionment the secretary of state shall immediately inform the county clerk and the county treasurer of the amount of state school tax such county will be required to levy and the amount it will be entitled to receive in return as its portion of the school fund accruing under the provisions of this section. At the same time that taxes levied for other state purposes are now required to be paid into the state treasury each county treasurer shall pay over to the state treasurer the school moneys arising under the provisions of this section in excess of the amount such county is entitled to receive in return as its portion of the state school tax. But if a larger amount shall be due any county than such county is required to pay the state treasurer shall pay to the treasurer of such county, at the time of the payment of the state tax assessed against the county, the amount due the county in excess of the state school tax levied upon it. The treasurer shall, at the time of making a settlement between the state and any county on account of any state school tax levied upon the county, exchange receipts showing that the full amount assessed against the county as a state

school tax has been accounted for to the state, and, in turn, that the amount due the county on account of a state school tax has been accounted for to the county by the state treasurer; and within ten days from such settlement the several county treasurers shall pay over to the several town, city and village treasurers the amount to which they are respectively entitled by the apportionment made by the state superintendent. It is hereby declared to be the true intent and meaning of this section to provide for an earlier distribution to the counties of the moneys collected as a state school tax and that only the balance that may be due any county or the state, as the case may be, shall be paid in money at the time of settling accounts between the county and the state, in so far as they relate to the state school tax.

## XXXI.—THE STATE SUPERINTENDENT.

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(Chapter 37, Laws of 1903, relating to the duties, qualifications and salary of the state superintendent.)

**Qualifications; oath of office.** SECTION 1. No person shall be eligible to the office of state superintendent of public instruction, who shall not, at the time of his election thereto, have taught or supervised teaching in the state of Wisconsin, for a period of not less than five years, and who shall not, at such time, hold the highest grade of certificate which the state superintendent is by law empowered to issue. He shall, within twenty days after he receives notice of his election, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, which shall be filed in the office of the secretary of state.

**Supervisory duties generally.** SECTION 2. He shall have general supervision over the common schools of the state, and it shall be his duty:

**School work.** 1. To ascertain, so far as practicable, the conditions of the public schools of the state; to stimulate interest in education; to spread as widely as possible, through public addresses, bulletins, and by conferences with school officers, teachers and parents, a knowledge of methods; which may be employed to introduce desirable improvements in the organization, government and instruction of the schools.

**School books.** 2. To prohibit the use of sectarian books and sectarian instruction in the public schools; to advise in the selection of books for school district libraries; to prepare as often as he shall deem necessary, a list of books suitable for school district libraries, and furnish copies of such list to each

town, village or city clerk, or secretary of the board of education, and to each county or city superintendent, from which lists the above designated officers shall select and purchase all books for use in the school libraries of the state.

**Educational meetings.** 3. To attend such educational meetings and make such investigations as he may deem important, and such as may enable him to obtain information relating to the different systems of common schools in the United States, said information to be embodied in his biennial report to the state legislature.

**Public sentiment.** 4. To endeavor to arouse an intelligent interest among the people of the state in the general subject of industrial and commercial education, including manual training, agriculture, and domestic science, and to awaken and educate public sentiment for the suitable introduction of these subjects into the public schools, and to make such inspection and investigation as may be necessary for the intelligent supervision of the work therein.

**Supervision.** 5. To exercise general supervision over the establishment and management of county schools of agriculture and domestic science, manual training schools, county training schools for teachers, and the day schools for the deaf; to advise with the principals and local authorities thereof and to formulate courses of study for such schools, to embody in his biennial report or in special bulletins or circulars such statements, suggestions, and statistics, as he may deem useful and for the information of the public.

**Publications.** 6. (As amended by Chapter 241, Laws of 1905.) To revise, codify and edit the school laws from time to time, as circumstances may make necessary, and by lectures, circulars, correspondence and public addresses, give the public information bearing upon the different methods of school organization and management provided by law in this state; to prescribe rules and regulations for the management of township and school district libraries and the penalties which may be imposed upon district and town officers for any violation thereof; to prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting annual and special meetings; to prepare and publish from time to time as occasion may require courses of study

for ungraded, state graded, and free high schools, and day schools for the deaf, with such comments and instructions as may be deemed essential for an intelligent understanding thereof; to compile, edit and distribute to the schools annually in pamphlet form matter adapted to and suitable for the intelligent observance of arbor and bird day, and memorial day; to provide the subject matter and statistics necessary for the printing of all reports, pamphlets, and circulars published for any and all these purposes, and to furnish suitable material in the form of printed catalogue cards to enable teachers and pupils to make an intelligent use of the township school libraries, all such printing to be done by the state printer at the expense of the state.

**Appeals.** 7. To examine and determine all appeals, which by law may be made to him according to the rules regulating such matters, and to prescribe rules of practice in respect thereto, not inconsistent with law.

**Educational works.** 8. To collect in his office such school books, apparatus, maps, and charts, as may be obtained without expense to the state; to purchase at an expense not exceeding one hundred and fifty dollars in any one year, to be paid out of the state treasury, works and periodicals bearing upon the different phases of education.

**School fund income.** 9. To apportion and distribute the school fund income as provided by law.

**Copies of record.** 10. To make copies when required by any person so to do, of any papers deposited or filed in his office and of any act or decision made by him, and to certify the same provided he may demand therefor twelve cents per folio, which fee shall be paid into the state treasury.

**Report.** 11. To prepare in each even numbered year a report to be delivered by him to the governor on or before the thirty-first day of December, containing:

1. An abstract of all the common school reports received by him from the several county and city superintendents.

2. A statement of the condition of the common schools, the state graded schools, the city graded schools, the free high schools and independent high schools, the manual training schools, the schools established for the purpose of giving instruc-

tion in agriculture and domestic science, the county training schools for teachers, the day schools for the deaf, the state normal schools and the state university, and such other schools as may hereafter be established by law.

3. Statements of the receipts and disbursements of all school moneys.

4. Plans for the improvement and better management and organization of all common and other schools.

5. A statement of his official visits to educational institutions of any kind, and of the work done by the different inspectors and officers provided for by law, and employed by him in the performance of the duties of the office, for the biennial period.

6. All such other matters relating to his office and the school system of the state, as he shall deem expedient to publish.

**Teachers' institutes.** 12. To exercise supervision over the teachers' institutes, held in the different counties of the state, and with the advice and consent of the institute committee of the board of regents of normal schools, publish from time to time a syllabus and outline of work suitable to be done therein.

**Annual convention.** 13. To hold at least one convention annually at a convenient and accessible point in the state, for the purpose of consulting and advising with the county superintendents in regard to the supervision and management of the public schools.

13a. To hold one convention annually for the purpose of consulting and advising with the city superintendents of schools upon matters pertaining to supervision and management of city schools.

See chapter 253, laws of 1909, page 95 of this code.

**Other duties.** 14. To perform all other duties imposed upon him by law.

**Annual salary.** SECTION 3. The state superintendent shall receive an annual salary of five thousand dollars.

**Assistant superintendent.** SECTION 165. The state superintendent may appoint under his hand an assistant, who shall take the constitutional oath of office, which with his appointment, shall be filed in the office of the secretary of state. Such assistant shall perform such duties as the superintendent shall prescribe, not inconsistent with law; and the superintendent shall be responsible for all acts of such assistant.

**High school inspector.** SECTION 165a. He may also appoint in like manner an inspector of free high schools, who

shall assist him in visiting, inspecting and supervising such schools and aid in giving information and assistance in the organization and maintenance thereof in towns where there are no graded schools. When he is not engaged in the performance of said duties said inspector may be assigned to such duties in the office of the state superintendent as the latter may designate.

**Rural school inspector.** (Chapter 499, Laws of 1905.)

SECTION 1. The state superintendent is hereby authorized to appoint a competent and suitable person as an inspector of rural schools. It shall be the duty of said inspector to visit and inspect, as far as practicable, the rural schools of each county in the state and to procure information concerning the rural school districts. This inspector shall assist the state superintendent in preparing such special reports to the governor and legislature, bearing upon the conditions and needs of rural schools as may be advisable. It shall also be the duty of this inspector to confer with each county or district superintendent concerning the condition of the schools in his county or district; to consult with school officers, patrons and teachers in regard to school management, discipline, branches of study, school law and school sanitation and by public lectures, conferences and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the usual routine work of the elementary rural school. The inspector provided for by this chapter shall work under the direction of the state superintendent and shall report to him as often as may be deemed necessary, concerning the conditions found in the schools and districts inspected and of the work done in the discharge of his duties. When the rural schools are not in session, said inspector shall be assigned to other duties by the state superintendent.

SECTION 2. The inspector of rural schools shall receive as an annual salary two thousand dollars and shall be reimbursed for all actual and necessary traveling expenses when duly certified by the state superintendent. Such salary and expenses shall be paid out of the appropriation to the common school fund income provided for in chapter 313 of the laws of 1903.

**Assistant state superintendent, library clerk, mailing clerk.** (Chapter 297, Laws of 1899.) SECTION 1. The assistant state superintendent shall be reimbursed the expenses actually incurred by him in the performance of his duties when the accounts for such expenses are approved by the state superintendent.



**SECTION 2.** The library clerk shall be reimbursed the expenses actually incurred by him in the performance of his duties when the accounts for such expenses are approved by the state superintendent.

**SECTION 3.** The state superintendent may appoint under his hand a mailing clerk, who shall receive an annual salary of one thousand dollars.

**Clerks, etc.** **SECTION 165b.** The state superintendent may appoint a chief clerk, who shall, under his direction, have charge of the books and correspondence of the office, and who shall render such other assistance as the superintendent may direct. He may also appoint a library clerk, who shall, under his direction, aid in promoting the establishment, maintenance and control of school libraries; an index and filing clerk and a person as clerk and stenographer. All such appointments shall be made by writing filed in the office of the secretary of state.

**Expenses of chief clerk.** (Chapter 282, Laws of 1903.) **SECTION 1.** The chief clerk shall be reimbursed the expenses actually incurred by him in the performance of his duties when the accounts for such expenses are approved by the state superintendent.

**Office.** **SECTION 167.** The state superintendent shall have an office at the capitol, where shall be deposited all papers and documents appertaining to the business of his office, and to which place communications on the subject of common schools may be addressed to him.



## XXXII.—SUGGESTIVE FORMS FOR THE USE OF TOWN AND SCHOOL OFFICERS.

### No. 1.

*Form of order organizing a new school-district, to be filed with  
the town clerk.*

It is hereby ordered and determined that [here describe the territory to be comprised in the district, by sections and parts of sections] shall hereafter constitute a school-district, to be known as school-district No. —, of the town of —.

Given under our hands, this — day of —, 19—.

(Signed)

A—— B——,

C—— D——,

E—— F——,

*Supervisors of the town of —.*

NOTE.—For form of order organizing joint district, see No. 6.

### No. 2.

*Form of notice for the first meeting of a school-district, to be  
delivered by the town supervisors to a taxable inhabitant  
of the district.*

Having, on the — day of —, 19—, formed a new school-district, to be known as school-district No. —, of the town of —, [or joint school-district No. —, of towns of — and —, in case it be a joint district] comprising the following territory: [Here insert the description of the district, as in form No. 1], you are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of—,

in said district, on the —— day of ——, 19—, at — o'clock in the ——noon, by reading this notice in the hearing of each such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting, and thereof to make due return.

Dated at ——, this ——day of ——, 19—.

(Signed)

A—— B——,

C—— D——,

E—— F——,

*Supervisors of the town of ——.*

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies and women as well as men must be notified.

### No. 3.

*Form of notice for first meeting, to be left at the residence of a voter when absent.*

To A. A.:

By direction of the supervisors of the town of ——, you are hereby notified that the first meeting of school-district No. —, of ——, recently formed, will be held at the house of ——, in said district, on the —— day of ——, 19—, at —— o'clock in the —— noon. Your attendance is requested.

(Signed)

G—— H——,

Person appointed to give notice.

### No. 4.

*Form of return to be endorsed upon notice received from town supervisors, on the formation of a school-district.*

I hereby certify that I have notified the following named persons [here give the names in full], personally, and the following named persons [here insert names] by copy, according to the directions of the within notice.

Dated this —— day of ——, 19—.

(Signed)

G—— H——,

Person appointed to give notice.

**No. 5.**

*Form of notice for a meeting of a school-district to be delivered by the town supervisors, to a taxable inhabitant, in case there is no officer to call a meeting.*

To A. B., a taxable inhabitant of school-district No. —, of —:

You are hereby directed to notify every qualified voter of school-district, No. —, of —, to attend a meeting thereof, which is hereby appointed to be held at the house of —, in said district on the — day of —, 19—, at — o'clock in the — noon, by reading this notice in the hearing of such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting. The following is a description of said district: [here describe the district as in form No. 1.]

(Signed)

A—— B——,  
C—— D——,  
E—— F——,

*Supervisors of the town of —.*

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

**No. 6.**

*Form of order organizing a joint school-district.*

It is hereby ordered and determined that [here describe the territory by sections and parts of sections] shall hereafter constitute a school-district, to be known as joint school-district No. —, of the towns of [here insert the names of all the towns in which any portion of the district is situated].

Given under our hands, this — day of —, 19—.

(Signed)

A—— B——,  
C—— D——,  
E—— F——,

*Supervisors of the town of —.*

G—— H——,  
I—— J——,  
K—— L——,

*Supervisors of the town of —.*

NOTE.—The above order must be signed by at least two supervisors from each town affected by it, and a copy must be filed with the town clerk of each town.

**No. 7.**

*Form of acceptance of office by district officers elected at the first meeting after the formation of a district, to be filed with the clerk of the meeting.*

I hereby signify my acceptance of the office of \_\_\_\_\_, of school-district No. —, in the town of \_\_\_\_\_, to which I have been elected.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed)

G\_\_\_\_\_ H\_\_\_\_\_.

**No. 8.**

*Form of notice to be given to the district clerk when alteration of the boundaries of a district is contemplated.*

To C. D., Clerk of school-district No. —, of town of \_\_\_\_\_:

You will take notice that we shall be present at [here mention the place], on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, at — o'clock in the \_\_\_\_\_noon, to hear and decide upon certain proposed alterations of the boundaries of said school-district.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed)

A\_\_\_\_\_ B\_\_\_\_\_,

C\_\_\_\_\_ D\_\_\_\_\_,

E\_\_\_\_\_ F\_\_\_\_\_,

*Supervisors of the town of \_\_\_\_\_.*

NOTE.—In case of a joint district, the above notice must be signed by a majority of the supervisors of each town, a part of which is embraced in the district or districts to be affected by the proposed alteration. Return must be filed in the office of town clerk of each town by person serving the notice.

**No. 8a.**

*Form of application for alteration of the joint school district, under provision of Chapter 218, Laws of 1903, page \_\_\_\_\_ of this school code.*

To A\_\_\_\_\_ B\_\_\_\_\_:

Chairman of the Town of \_\_\_\_\_,

County of \_\_\_\_\_.

We, the undersigned, members of the town board of supervisors of the town of \_\_\_\_\_, county of \_\_\_\_\_, do herewith

make application to have (Here describe the territory which it is desired shall be taken from one district and made part of another.) detached from school district No. — (joint) of the town (or towns) of —, — county, Wisconsin; and in order that a hearing may be had as to the advisability of the transfer of territory you are requested to fix a time for the joint meeting of the boards of supervisors (or board of trustees or common council) of the towns of — and —; said meeting to be held not less than ten nor more than twenty days after this application is placed in your hands.

NOTE.—If the chairman, etc., attempts to call the meeting he must not only notify the supervisors as described above but he must notify the clerks of the different districts, as provided for in section 418 of the statutes, and a "return" that the clerks have been so notified must be filed in the office of the clerk of each town by the person serving the notice. It is advisable that the person serving the notices upon the clerks shall serve notices upon the treasurer and director, making suitable "return."

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### No. 9.

*Form of order for altering the boundaries of a school-district.*

It is hereby ordered and determined that the [here describe the territory by sections and parts of sections], now part of school-district No —, of the town of —, be and hereby is taken from said school-district, and attached to and made a part of school-district No. —, of said town for all purposes whatsoever.

This order will take effect on the — day of —, 19—.

Given under our hands the — day of —, 19—.

(Signed)

A—— B——,  
C—— D——,  
E—— F——,

*Supervisors of the town of —.*

NOTE 1.—The above order must be filed with the town clerk and the district clerk; and in case of a joint district the order must be signed by a majority of the supervisors of each town, a part of which is embraced in the district and filed with the town clerk of each town, and the district clerk of each district affected by the alteration.

**No. 10.**

*Form of order of town supervisors awarding proportion of value of property to new district.*

To the district clerk of school-district No. —, of the town of ———:

Having formed a new school-district, No. —, of the town of ———, in part [or wholly] from the territory of your district, we have ascertained and determined the proportion of value of the schoolhouse and other property, justly due to such new school-district from your district, retaining such schoolhouse and other property to be ——— dollars. You are therefore to raise and collect by tax, upon the taxable property of your district, the said sum of ——— dollars, and when collected pay the same to the treasurer of said new district.

Given under our hands this ——— day of ———, 19—.

(Signed)

A—— B——,

C—— D——,

E—— F——,

*Supervisors of the town of ———.*

NOTE.—In the case of a joint district, the above notice must be signed by a majority of the supervisors of each town embraced, in part, in the district.

**No. 11.**

*Form of notice for annual district meeting.*

Notice is hereby given to the qualified electors of school-district No. —, of the town of ———, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at ———, on the first Monday, being the ——— day of July, at 7 o'clock in the afternoon [unless some other hour was determined upon by the district at the previous annual meeting].

Dated this ——— day of ———, 19—.

(Signed)

C—— D——,

*District Clerk.*

NOTE.—The above notice must be affixed to the outer door of the schoolhouse, if there be one in the district, and must be posted up in at least three other public places, at least six days before the time appointed for the meeting.



**No. 12.**

*Form of notice for an adjourned district meeting, when such meeting has been adjourned for a longer period than one month.*

Notice is hereby given, that a meeting of the qualified electors of school-district No. —, in the town of —, will be held at —, in said district, on the — day of —, 19—, at — o'clock in — noon, pursuant to adjournment.

Dated this — day of —, 19—.

(Signed)

C—— D——,

*District Clerk.*

NOTE.—The foregoing must be posted the same as for the annual meeting.

**No. 13.**

*Form of request for clerk to call a special district meeting.*

To A. B., clerk of school-district No — of the town of —:

SIR—You are hereby requested to call a special meeting of the above district on the — day of —, 19—, at — o'clock in the — noon, for the purpose of [here state the business to be transacted].

(Signed)

A—— B——,

C—— D——,

E—— F——,

G—— H——,

I—— J——,

NOTE.—The above notice must be signed by at least five legal voters.

**No. 14.**

*Form of notice for special district meeting.*

Notice is hereby given to the qualified electors of school-district No. —, in the town of —, that a special meeting of said district will be held at —, on the — day of —, 19—, at — o'clock in the — noon, for the following

objects: [Here particularly specify each item of business to be acted upon.]

(Signed)

C——— D———,  
District Clerk.

NOTE.—The above must be posted as for an annual meeting, and in case it is intended to raise a tax, or vote a loan, three-fourths of the legal voters must be personally notified of the meeting, or a copy of the above notice must be let at their places of residence, at least six days before the time appointed for the meeting.

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### No. 14a.

*Form of notice for special school meeting for the purpose of authorizing the district board to borrow money from the trust funds of the state, and to vote the taxes required by law to be voted, in order to obtain such loan.*

Notice is hereby given to the qualified voters of ——— school-district No. —, town of ———, that a special school meeting of said district will be held at ———, in said district on the ——— day of ———, 19—, at ——— o'clock P. M., for the purpose of voting on the following propositions, viz.:

1st. To authorize the school board to make application for a loan of ——— dollars from the state trust funds, payable in ——— years, with interest at the rate of ——— per cent. per annum payable annually in advance, for the purpose of building a schoolhouse.

2d. To raise by tax a sum sufficient to pay the principal and interest of such loan as it becomes due.

3d. To raise by tax the sum of ——— dollars, to be collected in the tax for the year ——— to aid in building a schoolhouse.

(Signed)

Dated ———.

———, District Clerk.

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### No. 15.

*Form of notice to be given by the clerk of a school-district meeting to the officers elect who were not present at the meeting.*

To ——— ———:

You are hereby notified that at a meeting of school-district

No. —, in the town of —, held on the — day of —, 19—, you were duly elected — of said district.

Dated this — day of —, 19—.

(Signed)

C—— D——,  
*Clerk of said meeting.*

NOTE.—This notice is required to be given within five days after the meeting, and only to those persons elected to office who were not present at the time.

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**No. 16.**

*Form of refusal to accept district office, to be filed with the clerk of the district.*

To the clerk of school-district No. —, in the town of —:

You are hereby notified of my refusal to accept the office of —, to which I was elected at the meeting of said district, held on the day of —, 19—.

(Signed)

G—— H——.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable for non-performance of duty.

---

**No. 17.**

*Form of an appointment to fill a vacancy in the district board.*

To A. B.:

The office of [clerk, director, or treasurer] of school-district No —, of the town of —, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this — day of —, 19—.

(Signed)

G—— H——,  
*Director.*

E—— F——,  
*Treasurer.*

[Or other members of the board as the case may be.]

NOTE.—It requires two members of the board to make an appointment. If they neglect for ten days to fill the vacancy, it must be done by the town clerk, after the following form; in either case the appointment must be filed with the district clerk,

**No. 18.**

*Form, when the town clerk appoints.*

To A. B.:

The office of [clerk, director or treasurer] of school-district No. —, of the town of —, having become vacant, and the district board of said district having failed to fill the same within ten days you are hereby appointed to fill such vacancy until the next annual meeting of said district.

(Signed)

C—— D——,  
Town Clerk.

NOTE.—In case a vacancy in a joint district is to be filled by the town clerk, the appointment is to be made by the clerk of the town containing the schoolhouse. (See sec. 433.)

**No. 19.**

*Form of refusal to accept a district office by appointment.*

To the district board of school-district No. — [or the town clerk as the case may be], of the town of —:

You are hereby notified of my refusal to accept the office of — of school-district No. —, of said town, to which I was appointed by you on the — day of —, 19—.

Dated this — day of —, 19—.

(Signed)

G—— H——.

NOTE.—The notice of refusal must be filed with the clerk or director within five days after the appointment, or the person shall be deemed to have accepted the office, and be liable to a fine for non-performance of duty.

**No. 20 (DEED OR LEASE).**

*Form of deed of a schoolhouse site.*

Know all men by these presents, that I, A. B. [and C. B., his wife, if married], of the town of —, in the county of —, in state of Wisconsin, party of the first part, for and in consideration of the sum of — dollars to them in hand paid by the district board of school-district No. —, of the town

of ———, county of ———, and state aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said school-district, party of the second part and their assigns, the following described piece of land, namely: [Here insert description of land], together with all the privileges and appurtenances thereunto belonging: To have and to hold the same to the party of the second part and their assigns forever; and the said party of the first part for themselves, their heirs, executors and administrators, covenant, bargain, and agree, to and with the said party of the second part and their assigns, that at the time of the sealing and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute, and indefeasible estate of an inheritance in the law in fee simple and that the said lands and premises are free from all incumbrances whatsoever, and that the above bargained premises in the quiet and peaceable possession of the third party of the second part and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife, party of the first part, have hereunto set their hands and seals, this ———day of ———, A. D. 19—.

A——— B———, [SEAL.]  
C——— D———, [SEAL.]

Signed, sealed and delivered  
in the presence of

E——— F———,  
G——— H———,

NOTE.—Such deed should be duly acknowledged before a notary public, justice of the peace, or other officer authorized by law to take such acknowledgment, and recorded in the office of the register of deeds for the county.

### *Form of lease.*

Know all men by these presents, that A. B., of the town of ———, in the county of ———, in the state of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "school-district No. —, of the town of ———," county of ———, in the state aforesaid, party of the second part, and their assigns, the following described parcel of land: [Here insert description of land.] Together with all the privileges and appurtenances thereunto belonging: To have and to

hold the same for and during the term of ——— years, from the ——— day of ———, A. D. 19—; and the said party of the second part for themselves and their assigns, do covenant and agree to pay to said party of the first part, for said premises, the annual rent of ——— dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this ——— day of ———, 19—.

A——— B———, [SEAL]  
Lessor.

C——— D———;  
E——— F———,  
G——— H———,

*District board of school-district No. —,  
of the town of ———.*

## No. 21.

### *Form of contract between district and teacher.*

It is hereby agreed between school-district No. —, of the town of ———, and L. M., a qualified teacher of the county of ——— [or superintendent district No. —, of the county of ———, as the case may be] that the said L. M. is to teach the common school of said district for the term of [here insert the time], for the sum of ——— per month, commencing on the ——— day of ———, 19—, it being understood and mutually agreed that ——— days shall constitute a month; and for such services properly rendered, the said district is to pay to the said L. M., the amount that may be due according to this contract, on or before the ——— day of ———, 19—.

Dated this ——— day of ———, 19—.

(Signed)

A——— B———, *Director,*  
C——— D———, *Treasurer,*  
E——— F———, *Clerk,*  
L——— M———, *Teacher.*

If the teacher holds a limited certificate, for a single town or district, the contract may read: "a qualified teacher of said town," or "said district."

In case the teacher is employed in a graded school, the particular department for which he is engaged may be specified, and the contract may read: "——— dollars per week," if hired by the week.

By section 459 printed on page 71 of this code, it will be seen that 20 days constitute a teacher's month, unless otherwise specified in the contract. When the teacher is hired at so much a month it is best

always to specify in the contract how many days of teaching shall be considered a month.

All legal holidays count as school days for both teacher and district, if they come on a day when school would otherwise be taught, but as the law now provides Saturdays are not to be counted. If a legal holiday occurs on Sunday, the succeeding Monday is a legal holiday.

If the teacher is expected to build the fire, or cleanse or otherwise care for the schoolhouse, it should be so stated in the contract. If not specially provided for, the district board must provide for janitor service.

If the teacher expects the wages to be paid in monthly installments, or in partial payments of any kind, that should be clearly stated in the contract.

The contract must be signed by at least two members of the board, and cannot lawfully be made, until a meeting of the board has been held. A copy of the certificate held by the teacher must be attached to the contract. See section 438.

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## No. 22.

*Form of bond of district treasurer to be filed with the district clerk.*

Know all men by the presents, that we, E. F., treasurer of school-district No. —, of the town of —, and L. M., his surety, are held and firmly bound unto said school-district in the sum of [here insert a sum of double the amount to come into the treasurer's hands, as near as can be ascertained] to be paid to the said school-district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our hands and dated this — day of —, A. D. 19—.

The condition of the above obligation is such that if the said F. F., treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school-district, and shall well and truly pay over to the person or persons entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as treasurer of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as treasurer aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

E——— F———, [SEAL.]

L——— M———, [SEAL.]

Signed, sealed and delivered in presence of

R——— S———,

G——— H———.

*Form of approval to be endorsed on the bond of treasurer.*

We approve of the within bond and surety.

(Signed)

G—— H——, *Director*,

C—— D——, *Clerk*.

### No. 23.

*Form of notice to treasurer to furnish additional security.*

To A. B., treasurer of district-school No. —:

SIR.—Deeming the security upon your bond insufficient to protect the district against loss, we hereby require you to furnish a new bond in the sum of \$——, with sureties to be approved by us, within ten days of the date hereof.

(Signed)

C—— D——, *Director*,

E—— F——, *Clerk*.

### No. 24.

*Form of order on treasurer for moneys to be disbursed by school-district.*

To A. B., treasurer of school-district No. —, in the town of ———:

Please pay to ——— the sum of ——— dollars for [here specify the object for which the money is to be paid], out of any money in your hands, not appropriated, belonging to the [here name the fund on which the order was drawn], of said district.

Dated this ——— day of ———, 19—.

(Signed)

C—— D——, *District Clerk*,

G—— H——, *Director*.



## No. 25.

*Form of school register to be kept by the teacher of each school.*

The register furnished by the district should be one arranged in four parts. The first part should consist of blank pages for entering the daily program of recitation and study. The following is a model page of this part:

## Daily Programme of Recitation and Study.

For term from.....to.....190..

.....Teacher.

RECITATIONS.				TEXT-BOOKS.		STUDY AND WORK.		
Beginning.		Class.	Form.	Branch.	Book.	Primary form.	Middle form.	Upper form.
Hr.	Min.							
.....	.....	.....	.....	.....	.....	.....	.....	.....
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The second part of the register should consist of blank pages for entering the school number, name, age, sex, daily attendance and tardiness of every pupil who attends the school, with a blank column at the right of the page, if desired, for a monthly summary, and one for "remarks." Following is a model for this section. Usually there is space for four months of record upon two contiguous pages.

Teachers' Daily Register for the Term Commencing ———, and  
Ending ———, 190—.

School Months, from ——— to ———.

———, Teacher.

Number.	Name.	Age.	SEX.		Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Total.	MONTHLY SUMMARIES.			REMARKS.
			Male.	Female.												Days present.	Days absent.	Times tardy.	
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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The third part of the register should consist of blank pages for showing the classification of the school, and recording the progress and standing of each pupil in the several branches of study pursued. Following is a model page of this section, which can be repeated for each class in the school:

First (or Second, or Third) Class in Geography.

Winter (or spring or fall) Term, beginning ..... ending .....

Class commenced.....Geography and advanced to page.....

No.	Name.	Age	Entered.	Left.	Passed over pages.	Standing.	Prepared to go on from.	Remarks.
1.	John Jones	15	Nov. 1.	March 5	19-78	100	Page 78...	Studious.
2.	Jane Smith	13	Nov. 8.	March 8	25-68	68	Page 68...	Inclined to be frivolous.
3.	H. Peters.	14	Nov. 10.	March 5	19-66	100	Page 66...	Mother sick. Made up all gone over to Nov. 10. Will probably make up during vacation to page 78, so as to go on with class.

The fourth part of the register should consist of a pupil's record for the school year, or ledger, which will be statistics posted from the daily register, and upon which the clerk may depend for making up his annual report for the town clerk. In this record a pupil's name should be entered but once in any one school year. In all the series of records each pupil should be given a school number, which he should carry through the school year, whether attending school much or little, and this number should be assigned to no other pupil during that year. following is the form of this section that may be used.

Pupils' Record for the School Year commencing — —, 190—, and ending — —, 190—.

No.	NAME.	Age.	SEX.		1ST MONTH.			2ND MONTH.			Remarks
			Male.	Female.	Days Present.	Days Absent.	Times Tardy.	Days Present.	Days Absent.	Times Tardy.	
.....											
.....											
.....											
.....											

NOTES.—In filling up the daily register, the teacher will of course, use her own preference in signs. The following are suggested: To indicate presence in the morning this mark—/; to indicate presence in the afternoon this mark—\; so that if the pupil is present morning and afternoon this sign will appear against the name for that day—X. If tardy in the morning the number of minutes may be placed in the upper angle, thus— $\frac{10}{X}$ ; if tardy in the afternoon, indicate in the same way thus— $\frac{X}{15}$ .

The teacher should take the age of the child, when taking the name, and indicate the sex, as initial letters fail to give the necessary information.

The teacher should carefully add the columns in the daily register at the end of each month, which need to be transferred to the ledger, and enter the summary therein accurately and legibly.

It is very desirable that each district in the state be fully and accurately reported. If one district in a town fails to report fully, the whole town suffers from this failure, in comparison with other towns that may be fully reported.

That the register be neatly kept, it will be best for the teacher to use a small blank book, in which may be registered the absences for the day, and then at night the register may be properly filled and footed.

Forms of school registers are now published, which are so arranged that all the foregoing items are condensed and kept in a single book. In procuring registers school officers should consult teachers or superintendent, and purchase only such as are best adapted to simple yet complete records.

**No. 26.**

*Form of notice to town treasurer of apportionment of school moneys by the town clerk.*

Treasurer of the town of ———:

You are hereby notified that I have apportioned the school moneys now in your hands, to the different districts of the town, as follows:

To district No. 1	..... \$.....	To district No. 6	..... \$.....
.....do.....2	.....	.....do.....7	.....
.....do.....3	.....	To joint dist... 1	.....
.....do.....4	.....	.....do.....2	.....
.....do.....5	.....	.....do.....3	.....

Dated this ——— day of ———, 19—.

(Signed)

—————,   
Town Clerk.

NOTE.—Immediately upon the receipt of the certificate of the town treasurer, of the amount in his hands (See form No. 27), the clerk shall proceed to apportion it among the several districts of the town from which reports have been received according to law, and thereupon he must notify the treasurer as above, that he may pay the moneys to the treasurers of the districts entitled to the same.

**No. 27.**

*Form of certificate of town treasurer of moneys in his hands subject to apportionment.*

To the town clerk of the town of ———:

I hereby certify that there is now in my hands the sum of \$———, school moneys, subject to apportionment to the school districts entitled thereto.

Dated this ——— day of ———, 19—.

(Signed)

A——— B———,

Town Treasurer.

**No. 28.**

*Form of report of town clerk to the county superintendent, of the names and post office addresses of the district clerks in his town.*

To the county superintendent of schools of the county of———:

SIR:—I hereby report to you the names of the school-district clerks in the town of ——, and their addresses, as follows:

District	Name of Clerk.	Postoffice.
No. 1.....	A. B.....	.....
No. 2.....	C. D.....	.....
No. 3.....	E. F.....	.....
No. 4.....	G. H.....	.....
No. 5.....	I. K.....	.....
No. 6.....	L. M.....	.....
Joint No. 1.....	N. O.....	.....
2.....	P. R.....	.....
3.....	S. T.....	.....

(Signed)

A——— W———, *Town Clerk.*

NOTE.—The town clerk must report his own name and postoffice to the county superintendent within ten days after the said clerk's election, or appointment, and the name and office of each district clerk in his town, within ten days after the filing of the same in his office.

**No. 29.**

*Form of determination of relative proportion of taxes to be assessed upon the different parts of a joint district, situated in two or more towns.*

Upon the application of A——— B———, C——— D———, and E——— F———, tax payers in joint school-district No. —, of the towns of —— and ——, we have made the necessary inquiry and examination, and do hereby determine that for every dollar of district tax to be hereafter levied upon that portion of the district, the sum of —— cents shall be assessed

upon that portion of the district lying in the town of ———, and ——— cents upon that part lying in the town of ———.

Dated this ——— day of ———, 19—.

(Signed)

G—— H——,  
J—— K——,  
L—— M——,  
Assessors of ———.  
N—— O——,  
P—— R——,  
S—— T——,  
Assessors of ———.

NOTE.—If assessors cannot agree, and the supervisors, or supervisors and chairman of an adjoining town are called to act, they will also sign the above. See section 471.

### No. 30.

*Form of statement of the amount of taxes voted to be raised in a school-district, to be delivered by the district clerk to the town clerk.*

To R—— S——, town clerk of the town of ———.

The amount of taxes voted to be raised in school-district No. —, of the town of ———, at the last annual meeting of said district; held on the ——— day of July, 19—, is [write the amount in words] dollars; which amount you are requested to assess upon the taxable property therein.

Dated this ——— day of ———, 19—.

(Signed)

C—— D——.

Clerk of School District No. — of the town of ———.

STATE OF WISCONSIN, County of ———, ss.

C—— D——, being duly sworn, on oath says that he is clerk of school-district No. —, of the town of ———, and the above statement by him made of the amount of taxes voted to be raised by said school-district therein is true.

(Signed)

C—— D——.

Subscribed and sworn to before me this ——— day of ———, 19—.

(Signed)

J—— P——,  
Justice of the Peace.

NOTE.—If a district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated; also any tax voted at a special meeting, held between the time of the annual meeting and the third Monday of November following.

**No. 31.**

*Form of statement of the amount of taxes voted to be raised in a joint district, to be delivered to the clerk of each town in which any part of the district is situated.*

To R——— S———, town clerk of the town of ——:

The amount of taxes voted to be raised in joint school-district No. —, of the towns of —— and ——, at the last annual meeting of said district, held on the —— day of July, 19—, is [write the amount in words] dollars; and the proportion of that amount to be raised in that part of said district which lies in the town of ——, is [write the amount in words] dollars, which you are requested to assess upon the taxable property therein.

(Signed)

C——— D———,  
Clerk of Joint School-district No. —  
Of the towns of —— and ——.

NOTE.—Attach affidavit of the district clerk similar to the one given in form No. 30.

**No. 32.**

*Form of application to board of supervisors to establish a school-house site.*

To the board of supervisors of the town of ——:

At a regular meeting of school-district No. —, it was decided by a vote of a majority of the electors present, to apply to your honorable board to establish a schoolhouse site for said district. The district has selected [here describe the location of the site selected], but is unable to obtain the same, for the reason that the owner of the land selected will neither lease nor sell the same to the said district [or that the owner is a non-resident].

(Signed)

A——— B———,  
District Clerk.

**No. 33.**

*Form of certificate of district clerk that the notice for the meeting of the supervisors to establish a schoolhouse site has been given.*

To the board of supervisors of the town of ———:

I hereby certify that on the ——— day of ———, I served the following notice upon the owner and occupant of the land therein described: [Here insert the notice in form 34.]

Dated this ——— day of ———, 19—.

(Signed)

A—— B——,

*District Clerk.*

NOTE.—In case there is no account of the land selected for a site, and the owner is unknown or resides out of the state, the notice must be published in the nearest newspaper, for six weeks previous to the meeting of the board of supervisors, and the above certificate must state the facts of such publication, instead of personal service.

**No. 34.**

*Form of notice for meeting of supervisors to decide upon an application to locate and establish a schoolhouse site.*

The undersigned will be present at ———, on the ——— days of ———, at ——— o'clock in the ——— noon, to decide upon the application of school-district No. —, for the location and establishment of a schoolhouse site for said district upon [here describe the lands upon which it is proposed to establish a site].

Given under our hands, this ——— day of ———, 19—.

A—— B——,

C—— D——,

E—— F——,

*Supervisors of the town of ———.*

NOTE.—In case the application is made by a joint district, the supervisors of all the towns in which any part of the district is situated must sign the above notice and be present at the meeting to establish the site.



**No. 35.**

*Form of certificate of action of town board of supervisors in locating and establishing schoolhouse site.*

We hereby certify that on the —— day of ——, A. D. 19—, we located and established a schoolhouse site for school-district No. —, comprising the following described territory [here describe the lands taken for a site according to the survey of the same], and award the sum of —— dollars in full as compensation to the owner [if there are two or more owners of the lands taken, specify the amount awarded to each], of the lands thus taken for said schoolhouse site.

Dated this —— day of ——, 19—.

(Signed)

A—— B——,

C—— D——,

E—— F——,

*Supervisors of the town of ——.*

NOTE.—The certificate of the action of town boards of supervisors in locating and establishing an addition to a schoolhouse site will be the same as above, except that in the second line, after the word “established,” the word “a” will be omitted, and the words “an addition to the” will be inserted; and the last two lines will be made to read “taken for said addition to said schoolhouse site.”

Duplicates of the above certificates must be made out, and one of them must be delivered to the owner or occupant of the land taken, and the other to the district clerk of the district, who must have the same recorded in the office of the register of deeds of the county in which the site is situated.

**No. 36.**

*Form of certificate of the sheriff of a vacancy in the office of county superintendent of schools.*

To ——, State Superintendent:

SIR:—I hereby certify that vacancy in the office of county superintendent of schools for —— county, Wisconsin, occurred on the —— day of ——, 19—, by [here state the cause of the vacancy, whether by death, resignation, removal from the county, or the removal from office of the incumbent].

Given under my hand and seal of office, this —— day of ——, 19—.

(Signed)

A—— B——,

*Sheriff of —— County, Wisconsin.*

**No. 37.**

*Form of a certificate of a county clerk, of the division of a county into two superintendent districts, and of a consequent vacancy in the office of county superintendent of schools.*

To ———, State Superintendent:

SIR:—I hereby certify that on the ——— day of ———, 19—, the board of supervisors of the county of ———, divided said county into two superintendent districts; that they have determined that the present county superintendent shall have jurisdiction of district No. —, and that district No. —, therefore remains vacant.

Given under my hand and seal of office, this ——— day of ———, 19—.

(Signed) A—— B——,  
County Clerk of ——— County, Wisconsin.

**No. 38.**

*Form of statement of number of children of school age in a county, made by county superintendent for county treasurer, and county clerk.*

To A—— B——, treasurer [or, clerk] of the county of ———:

SIR:—The following is the number of children over the age of four and under the age of twenty years, in those districts of the several towns in this county [or superintendent district as the case may be] which have maintained school for six or more months the past school year, as returned to me by the town clerks:

Town.	Number of Children.	Town.	Number of Children.
A.....	.....	D.....	.....
B.....	.....	E.....	.....
C.....	.....	F.....	.....

Dated this fifteenth day of August, 19—.

(Signed) G—— H——,  
County Superintendent of Schools for ——— County.

NOTE.—The above statement must be filed with the county treasurer and county clerk on or before the fifteenth day of August in each year.

### No. 39.

*Form of notices to teacher and district clerk of the intention of the county superintendent to annul said teacher's certificate.*

To A—— B——, teacher in school-district No. —, town of —;

SIR:—You are hereby notified that it is my intention to annul the certificate of qualification now held by you as a teacher.

(Signed) B—— B——,  
County Superintendent of Schools for —— County.

To E—— F——, clerk of school-district No. —, of the town of —;

SIR:—You are hereby notified that it is my intention to annul the certificate of qualification held by —— —, now employed in teaching in your district.

Dated this —— day of ——, 19—.

(Signed) B—— B——,  
County Superintendent of Schools for —— County.

NOTE.—The above notices must be served upon the teacher and district clerk at least ten days before the certificate is annulled.

### No. 40.

*Form of annulment of teacher's certificate and notice to town clerk.*

To A—— B——:

SIR:—The certificate of qualification held by you as a common school-teacher in the county [or superintendent district or town] of ——, issued on or about the —— day of ——, 18—, is hereby annulled.

Dated this —— day of ——, 19—.

(Signed) C—— D——,  
County Superintendent of Schools for —— County.

NOTE.—The above annulment will not take effect until the following notice has been filed with the town clerk of the town in which the teacher whose certificate is annulled is engaged in teaching.

To the town clerk of the town of ———:

SIR:—You are hereby notified that on the ——— day of ———, A. D. 19—, I annulled the certificate of qualification held by A—— B——, a teacher of your town, for the reason that in my opinion, the said A—— B—— does not possess the requisite qualifications as a teacher in respect to [moral character, learning or ability to teach, as the case may be].

Dated this ——— day of ———, 19—.

(Signed)

C—— D——,

*County Superintendent of Schools for the  
County of ———.*

## APPLICATION FOR DICTIONARIES.

### No. 41.

*Form of application for first supply of a school-district.*

STATE OF WISCONSIN, County of ———, ss:

————, being duly sworn, deposes and says that district No. —, in the town of ———, county of ———, has never been supplied with Webster's International Dictionary, by the state, as provided by law.

————,  
*District Clerk.*

*Post office* ———.

Subscribed and sworn to before me this ——— day of ———, 19.—

————,

————.

Send by express to ———, care of ——— ———.

NOTE.—The dictionary formerly known as "Webster's Unabridged Dictionary" is now known as "Webster's International Dictionary." No district heretofore supplied with a dictionary under the former title will be entitled to a dictionary for re-supply *free of charge* under the present title. See section 509.

### No. 42.

*Form of application for supply of additional departments.*

STATE OF WISCONSIN, ——— County, ss.

————, being duly sworn, deposes and says that the following department— in district No. —, in the ——— of ———, in the county of ———, ha— never been furnished with Webster's International Dictionary by the state, as provided

for by law; department— unsupplied, ———; department—  
heretofore supplied, ———.

—————,  
*District Clerk.*

*Post office* ———.

Subscribed and sworn to before me this ——— day of ———,  
19.—

—————, ———,

Send by express to ———, care of ——— ———.

### No. 43.

*Form of application for supply of additional departments in  
cities.*

STATE OF WISCONSIN, ——— County, ss.

—————, being duly sworn, deposes and says that the  
public schools in the city of ———, county of ———, embrace  
————— distinct departments, in as many different rooms (not  
including recitation rooms), under different teachers, and that  
the following departments in said schools have never been sup-  
plied with Webster's International Dictionary, as provided by  
law:

Departments unsupplied.	Departments heretofore supplied.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

—————,  
*City Superintendent.*

Subscribed and sworn to before me this ——— day of ———,  
19.—

—————, ———,

Send by express to ———, care of ———.

**No. 44.**

*Form of application for dictionaries by the secretary of a town board.*

STATE OF WISCONSIN, County of ———, ss.

———, being duly sworn, deposes and says that the following subdistrict—, in the town of ———, county of ——— ha— never been supplied with Webster's International Dictionary, as provided by law, subdistricts unsupplied, ———; subdistricts heretofore supplied ———.

———, Secretary of Town Board of Directors,  
Post office ———.

Subscribed and sworn to before me this ——— day of ———, 19.—

———,  
———.

Send by express to ———, care of ———.

**No. 45.**

*Form of application for re-supply, when dictionary previously furnished is lost.*

STATE OF WISCONSIN, ——— County, ss.

———, being duly sworn, deposes and says that district No. —, in the town of ———, county of ———, has lost by ———, the copy of Webster's International Dictionary heretofore furnished to said district by the state.

———,  
District Clerk.  
Post office, ———.

Subscribed and sworn to before me this ——— day of ———, 19.—

———,  
———.

Send by express to ———, care of ———.

NOTE.—The price of the dictionary must accompany the application.

**No. 46.**

*Form of application for re-supply, when dictionary previously furnished is worn out.*

STATE OF WISCONSIN, \_\_\_\_\_ County, ss.

\_\_\_\_\_, being duly sworn, deposes and says that the dictionary heretofore furnished to district No. —, in town of \_\_\_\_\_, county of \_\_\_\_\_, is so worn out as to be unfit for use.

\_\_\_\_\_,  
*District Clerk.*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19.—

\_\_\_\_\_,  
\_\_\_\_\_.

Send by express to \_\_\_\_\_, care of \_\_\_\_\_.

The last two forms above can be altered to meet circumstances, in case the application for a re-supply is for a graded school in a city or village.

Dictionaries are not furnished free for a re-supply, but at the cost to the state, viz.: Indexed, \$7.00. The money, or a money order, or a draft must in all cases accompany the application. It is better to send a money order or draft, as the state is not responsible if the money is lost.

Applications for dictionaries must be made by the district clerk, the secretary of the town board, or the superintendent of the schools in a city or incorporated village, and the post office of the applicant should be given as well as the nearest express station. Dictionaries cannot be sent by mail.



## FREE HIGH SCHOOLS.

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### No. 48.

*Form of resolution proposing establishment of a high school.*

In order that the question of establishing and maintaining a high school in the town of —— may be submitted to the electors thereof for determination, the following resolution is hereby proposed for adoption:

Resolved, by the town board of the town of ——, That a high school be established and maintained in said town. The town clerk is directed to give notice that said resolution will be submitted to a vote at the annual town meeting (or, general election) to be held in said town on the —— day of ——, 19—, (or, at a special meeting or election to be held on the —— day of ——, 19—, which the town clerk is hereby required to call upon due notice).

Dated this —— day of ——, 19—.

*(Signatures of Board.)*

---

### No. 49.

*Form of notice that foregoing resolution will be submitted to vote.*

Notice is hereby given to the electors of the town of ——, in the county of ——, that at a special election which is hereby, called (or at the annual town meeting or general election) to be held in said town on the —— day of ——, 19—, the following resolution will be submitted to the vote of said electors:

Resolved, etc. [as in the foregoing]; and that at said election members of the high school board will be chosen, to take

their offices if said resolution be adopted, the clerk for one year, the treasurer for two years, and the director for three years; their respective terms of office beginning with the annual town meeting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

(Signed) \_\_\_\_\_, *Town Clerk.*

NOTE.—The above forms may be used with the proper changes, in the case of incorporated villages, or graded school districts, the call and notice to be signed by the village or district clerk.

In case the call is for special school-district meeting, it must be signed by at least five legal voters of the district, and the notice given at least six days before the time appointed.

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### No. 50.

*Form of certificate to be forwarded to the state superintendent to secure participation in apportionment to free high schools.*

This may certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, the legal voters of the town of \_\_\_\_\_ [or towns of \_\_\_\_\_, where two or more towns unite, or of school-district No. —, town of \_\_\_\_\_, where vote is by a school-district, or city, or village] adopted a resolution to establish and maintain a free high school in said town (or towns, or school-district), and the persons whose names are hereunto appended have been duly elected to the office appended to their names, respectively. We further certify that no (or one or more) graded school exists in said \_\_\_\_\_ of \_\_\_\_\_. The course of study adopted by said high school board for said high school is herewith submitted for the approval of the state superintendent, and the names and examination papers of \_\_\_\_\_, pupils prepared to enter said high school, who are residents of said town (or towns, or school-district) of \_\_\_\_\_, are herewith forwarded for inspection. The examination of these pupils was held on the \_\_\_\_\_ day of \_\_\_\_\_, 19—, and was conducted by \_\_\_\_\_.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_, *Director,*

\_\_\_\_\_, *Clerk,*

\_\_\_\_\_, *Treasurer.*

NOTE.—With this certificate the examination papers of at least twenty-five pupils, residents of the high school-district, should be forwarded. The character and scope of these examinations are commented upon in the high school pamphlet.

## TOWNSHIP SYSTEM OF SCHOOLS.

## No. 51.

*Form of petition.*

To M—— S——, Town Clerk:

The undersigned electors of the town of ——, hereby petition that the question of township school government in said town may be submitted to the electors thereof, at the ensuing annual town meeting (or, general election).

Dated this —— day of ——, 19—.

(Signed)

\_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_.

NOTE.—The petition is to be signed by at least ten electors of the town.

## No. 52.

*Form of notice to be given by town clerk.*

Notice is hereby given at the annual town meeting (or, general election), to be held in said town of ——, on the —— day of ——, 19—, the question of township school government in said town will be submitted to the electors thereof, a petition therefor having been presented to me signed by ten electors of said town.

Dated this —— day of ——, 19—.

(Signed)

\_\_\_\_\_, Town Clerk.

## No. 53.

*Notice to parent or guardian to send child to school under the provisions of Chapter 446, Laws of 1907.*

STATE OF WISCONSIN, County of ———, ss.

The State of Wisconsin to .....

You are hereby and herewith commanded to cause to be sent and to send regularly to some public, parochial or private school

.....

(Names of children)

of whom you have the legal control within five days from the day of personal service of this notice, or if this notice is sent or served by registered mail, within five days from the day that it was deposited in the post office addressed to you, the child (or children) named above being between the ages of seven and fourteen years (or between the ages of fourteen and sixteen years and not regularly or lawfully employed as provided in Chapter 523, Laws of 1907). And upon your failure to comply with this notice, you will be dealt with according to law.

Given under my hand at ..... this ..... day of ..... 19....

.....  
*Sheriff, Deputy Sheriff or Truant Officer*  
*of ..... County, Wisconsin.*

For your convenience and to enable you to immediately determine your duties, responsibilities and liabilities under this chapter 446, certain parts of said chapter are printed here.

Section 439a. Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, as provided by chapter 349 of the laws of 1903, shall cause such child to be enrolled in and to attend some public, parochial or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (religious holidays excepted) that the public, parochial or private school

in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this act shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word "term," for the purposes of this act, shall be construed to mean the entire time that school is maintained during the school year); provided that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the school house in the district where such child resides; provided that if transportation is furnished by the district this exemption as to distance shall not apply, nor shall this section apply to any child who shall have completed the course of study for the common schools of this state or the first eight grades of work as taught in state graded or other graded schools of Wisconsin, and can furnish the proper diploma, certificate or credential showing that he has completed one of said courses of study, or its equivalent. Instruction during the required period elsewhere than at school, by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to children of like ages in the public, parochial or private school where such children reside. Any person who shall violate the provisions of this section shall upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court, for each offense. It shall be the duty of the district attorney and his assistants to prosecute in the name of the state all violations of the provisions of this section. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or to work, and he shall be thereupon discharged from liability, and such child shall be proceeded against as incorrigible, or otherwise, according to

law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceedings under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed in court. In case such certificates cannot be secured upon proof of such fact, the record of age stated in the first school enrollment of such child or first school enrollment to be found shall be admissible as evidence thereof.

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### No. 54.

*Form of application for special state aid as provided for in chapter 600, laws of 1907, to be made by the county or district superintendent to the school officers of the district.*

..... Wis., ..... 19....  
 To .....  
 County (or District) Superintendent of Schools for.....  
 County, State of Wisconsin.

DEAR SIR:

District No. ...., of the Town (or towns) of .....  
 County of ....., State of Wisconsin, hereby makes application for special state aid according to the provisions of Chapter 600, Laws of 1907, and requests your approval of this application.

We, the undersigned members of the school board of the above designated school district, being duly sworn, depose and say, each for himself and as a board, that the district has fully complied with all the provisions of Chapter 600, Laws of 1907, and with the requirements of the state superintendent as outlined in a department circular under date of August 10, 1907, inasmuch as they have maintained an efficient school for the year ending June 30, 19....; maintained the grounds and school building in good condition, furnished ..... first, ..... second and ..... third supplementary readers, ..... maps, ..... globes, ..... chalk and erasers, installed an edequate and satisfactory heating and ventilating system,

and maintained the outbuildings according to the provisions of Chapter 232, Laws of 1907.

..... P. O. ....  
*Director (or President).*  
..... P. O. ....  
*Clerk (or Secretary).*  
..... P. O. ....  
*Treasurer (or Vice-president).*

Personally appeared before me the above named .....  
 ..... and made oath that the above statements are true  
 according to their best knowledge and belief .....

*Important:* This application should be sent to the *County Superintendent* between the fifteenth day of July and the first day of August and *must* be signed by the school officials in office at the time the report is made.

## No. 55.

*Form of inspection report to be made by the county or district superintendent of schools to the state superintendent under the provisions of chapter 600, laws of 1907.*

District No. . . . ., of the town (or towns) of . . . . .

County of .....

Dates of inspection .....; hours spent A. M.....; P. M.  
.....; No. enrolled....., No. present.....

1. The teacher:

Grade of certificate .....; experience .....; weeks attendance at institute .....; interest in work .....; efficiency: poor, fair, good, excellent. (Underline one word.)

Discipline .....; conduct of recitation .....; assign-  
ment of lessons .....; spirit of school .....; busi-  
ness efficiency of school ..... Are pupils held to  
definite results? ..... Is register properly kept?

• • • • •

(Use words poor, fair, good, excellent, where these words will apply.)

2. General condition of grounds .....

## 3. General condition of building .....

a. The floor .....; the doors .....; the windows .....; the walls and ceiling .....; the woodwork .....; the shades .....; the entry .....; the cloak room .....; the general appearance of room.....

- b. Condition of equipment: The seats and desks.....; the blackboards .....; the library books.....; supplementary readers .....; maps .....; apparatus .....

*Is the school supplied with the minimum equipment of*

1. Supplementary: Primers .....; first readers .....; second readers .....; third readers .....

Dictionaries: Academic .....; international .....; maps .....; globes .....; No. of square feet of blackboard .....; height from the floor .....; materials for busy work .....; chalk and erasers .....; library case .....; card catalog .....

Is there an adequate and proper system of heating and ventilation? .....

Does it work satisfactorily? ..... If home made, does it comply with specifications of department circular of August 10, 1907? .....

Name of system .....

Inside measurement of chimney .....; size of fresh air intake .....; size of foul air outlet .....; size of firepot .....; size of room .....; length .....; breadth .....; height .....

Does the construction and location of the outhouses comply with the provisions of Chapter 232, Laws of 1907? .....

Remarks: .....

Make draft payable to ....., Treasurer of  
..... P. O. .... Wis.

To the State Superintendent:

I, the undersigned, county (or district) superintendent of schools for the county (or district) of ....., State of Wisconsin, do hereby recommend that the attached application of district No. ., Town (or towns of ....., County of ..... for special state aid be granted, said district having fully complied with the provisions of Chapter 600, Laws of 1907. This recommendation is made upon the basis of the inspection (or spections) of the school during the school year closing June 30, 19.., as specified in detail in this report.

Date .....

.....  
*County (or District) Superintendent.*



## Rural Schools—Special State Aid.

---

(Chapter 553, Laws of 1907.) SECTION 496q. Whenever the electors of any rural school district or sub-district shall direct the board to close the district or sub-district school and provide transportation and tuition for all persons of school age who may attend such state graded school or the grades below the high school in the free high school district, each such rural district or sub-district shall receive special aid in the sum of seventy-five dollars annually upon complying with the following conditions:

(1) Transportation shall be provided for at least thirty-two weeks, including legal holidays.

(2) The average daily attendance of the pupils transported from any district or sub-district to any state graded school or free high school district, under the provisions of this act shall be eighty per cent. of the entire number enrolled for transportation during each term of school.

(3) Each driver contracted with shall be of excellent moral character, trustworthy and responsible, and shall furnish a safe team with a suitable and comfortable conveyance, well supplied with protections against stormy and inclement weather.

(4) The clerks of each district or sub-district taking advantage of this act shall make a special report to the state superintendent of public instruction showing that the above conditions have been complied with.

SECTION 496r. The school district board shall embody in the notices of every annual or special meeting at which any or all of the above matters are to be considered, a statement to that effect, that the question of transportation of children will be voted upon, said notices to be posted as provided for in sections 426 and 427 of the statutes.

SECTION 496s. The sum of five thousand dollars is hereby appropriated annually from the general fund of the state treas-

ury to enable the state superintendent to meet the provisions of this act; the above sum, or so much of it as may be necessary, to be apportioned in a special apportionment on or before the first of November of each year.

SECTION 496t. Each district taking advantage of this act, shall receive the same apportionment of the state and other taxes as provided by law, as would have been received had the school been maintained in the district.

**Rural school inspector.** (Chapter 499, Laws of 1905.)

SECTION 1. The state superintendent is hereby authorized to appoint a competent and suitable person as an inspector of rural schools. It shall be the duty of said inspector to visit and inspect, as far as practicable, the rural schools of each county in the state and to procure information concerning the rural school districts. This inspector shall assist the state superintendent in preparing such special reports to the governor and legislature, bearing upon the conditions and needs of rural schools as may be advisable. It shall also be the duty of this inspector to confer with each county or district superintendent concerning the condition of the schools in his county or district; to consult with school officers, patrons and teachers in regard to school management, discipline, branches of study, school law and school sanitation and by public lectures, conferences and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the usual routine work of the elementary rural school. The inspector provided for by this chapter shall work under the direction of the state superintendent and shall report to him as often as may be deemed necessary, concerning the conditions found in the schools and districts inspected and of the work done in the discharge of his duties. When the rural schools are not in session, said inspector shall be assigned to other duties by the state superintendent.

SECTION 2. The inspector of rural schools shall receive as an annual salary \$2,250 and shall be reimbursed for all actual and necessary traveling expenses when duly certified by the state superintendent. Such salary and expenses shall be paid out of the appropriation to the common school fund income provided for in chapter 313 of the laws of 1903.

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